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Canada Royal Commission
on pilotage

Hearings. 1963

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ROYAL COMMISSION

ON

17
PILOTAGE

10-12
HEARINGS

HELD AT

**PRINCE RUPERT
B. C.**

VOLUME No.:

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the City Hall, Prince Rupert,
British Columbia, on Tuesday,
the 19th day of March, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. Gilbert W. Nadeau	Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.

Mr. Leopold Langlois, Q.C., for the Canadian
Merchant Service Guild, Inc. and the
British Columbia Coast Pilots.

Mr. J.I. Bird, Q.C., for the Aluminum Company
of Canada Limited and Vancouver Chamber
of Shipping.

ALSO PRESENT:

Capt. F.S. Slocombe, Department of Transport
and Liaison Officer.

Capt. J.S. Scott, Technical Advisor to
Commission.



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1 ---TUESDAY, MARCH 19th, 1963 - on resuming at 9:30 a.m.

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MR. JACQUES: My lord, in order to enable the Commission to conclude as much as possible of its work in Prince Rupert, my learned friends Mr. Bird and Mr. Langlois have agreed to finish with the examination-in-chief of Mr. Burke and then maybe the examination-in-chief, cross-examination and re-examination of Mr. Connolly, who is a local witness. Mr. Burke will be available for cross-examination, should cross-examination be required, and this will give opportunity to the Prince Rupert Chamber of Commerce and also the brief of Mr. Nickerson to be heard this afternoon.

14

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THE CHAIRMAN: That will be fine, thank you very much. Of course, we don't want to deprive you of putting all the facts before us. If the facts are only available here, please do it here.

18

JAMES J. BURKE, (Continued)

19

20

THE SECRETARY: Mr. Burke, you are still under the same oath.

21

22

MR. BIRD: Mr. Registrar, may I have Exhibit 136?

23

24

DIRECT EXAMINATION BY MR. BIRD (Continued)

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Q. Mr. Burke, I am directing your attention to page 18 of Exhibit 136 which relates to the voyage of the Sunpolynesia and the fact that Pilot Simpson left the vessel at Kitimat. Now, would you tell the Commission the circumstances under which Pilot Simpson left the vessel and what happened to the other pilot, whose name was



1 Stanger, who remained with the ship?

2 MR. LANGLOIS: My lord, before the witness
3 answers, the witness said yesterday that it was only hear-
4 say, that he had heard it.

5 THE CHAIRMAN: Yes, I think so.

6 MR. LANGLOIS: And I object to this type of
7 evidence.

8 MR. BIRD: Very well. I rather think that
9 perhaps I am not permitted to get that from this witness.

10 THE CHAIRMAN: If it is hearsay.

11 Q. Well, what did you do in respect of it,
12 without giving any evidence as to what you may have heard?
13 As a result of what you heard, what did you do?

14 A. The Sunpolynesia sailed from Vancouver to
15 Kitimat with two pilots on board, Pilot Stanger and Pilot
16 Simpson. The two pilots were instructed at the ship after
17 completion at Kitimat to proceed to Watson Island and
18 the pilots were to assist the master in taking the ship
19 to Watson Island. It was reported to me from Kitimat when
20 the ship sailed that one pilot was on board, Pilot Stanger,
21 and that Pilot Simpson had returned to Vancouver.

22 Q. Very well, thank you. How many pilots does
23 the ship out from Watson Island have?

24 A. One pilot, Captain Stanger.

25 Q. So he took the vessel through from Kitimat
26 to Watson Island and then to Triple Island?

27 A. That is right.

28 Q. I think we have had the distance from
29 Kitimat to Watson Island, but would you give it to the
30 Commission again? What distance is it?



1 A. It is 116 miles.

2 Q. And from Watson Island to Triple Island?

3 A. I think it is 36 miles, but I am not sure --
4 Watson Island to Triple Island.

5 Q. That can be calculated, in any event.

6 From your records are you able to tell us how
7 long that ship remained at Watson Island and what it did
8 there?

9 A. Yes. She arrived at Watson Island at 0900
10 hours on August 21st and she sailed from Watson Island at
11 1800 hours on August the 23rd, and while at Watson Island
12 she loaded a quantity of wood pulp.

13 Q. When did she leave Kitimat? I would like
14 the date of departure from Kitimat and the time of arrival
15 at Watson Island.

16 A. The ship sailed from Kitimat at 2200 hours
17 on August the 20th, and she arrived at Watson Island at
18 0900 hours on August the 21st.

19 Q. So the passage took eleven hours?

20 A. Yes, sir.

21 Q. Now, would you please tell the Commission
22 or give the Commission your views on this point? That is
23 if a pilot were stationed at Prince Rupert, if the
24 Commission should decide there should be a pilot stationed
25 here, what use, if any, could be made of that pilot by
26 ships going to and from Kitimat on the southern route first,
27 via McInnes Island?

28 A. If one pilot were stationed at Prince
29 Rupert and he was free to leave this district, if there were
30 no ships in the offing for him to attend to here, on the



1 ship coming from the south and presuming two pilots would
2 be employed, as in the past, to go into Kitimat, the two
3 pilots would have to board at Cape Beale. The ship
4 returning to Cape Beale from Kitimat, having had two
5 pilots at Kitimat, no value could be made of the pilot
6 at Prince Rupert under these circumstances, as I see it.

7 Q. What have you to say as to whether you
8 consider any system could be worked out whereby the
9 principal pilot could go with the ship to Cape Beale and
10 then work his way around and then back to Prince Rupert?
11 Have you given any consideration to that possibility?

12 A. If we had a ship coming from Japan, say,
13 going into Kitimat via Triple Island or going from Triple
14 Island to Watson Island and one pilot was permitted to
15 take the ship into Kitimat, the pilot stationed at Prince
16 Rupert could take care of a movement of that nature; and
17 if that pilot were permitted to leave his district, then
18 a pilot could be despatched from Vancouver if two pilots
19 were required, or if one pilot was permitted to take this
20 ship the pilot from Prince Rupert would leave McInnes
21 Island and come up to Prince Rupert if he was required in
22 the interim.

23 Q. So it would be a question of whether such
24 a move or rotation could be organized by the Superintendent
25 of Pilots?

26 A. Yes. If similarly, we had a ship coming
27 from the south, then to go on to Watson Island, as
28 frequently happens, we could release the pilots on arrival
29 at Kitimat, despatch the pilot from Prince Rupert to
30 Kitimat to take the ship to Watson Island. But under



1 those circumstances we could make use of a pilot stationed
2 at Prince Rupert.

3 Q. Would that result in a saving of any
4 pilotage cost?

5 A. Yes, it would result in savings on
6 detention charges and travelling expenses somewhat. And,
7 of course, if one pilot were permitted to make the trip
8 it would be a definite saving from Watson Island to
9 Kitimat or Kitimat to Watson Island.

10 Q. So do you support the establishment of a
11 pilot at Prince Rupert?

12 A. Yes.

13 Q. Now, if you would refer to your brief, I
14 would like to deal with the pilotage costs in to and out
15 of Kitimat, and the first reference to these pilotage
16 costs appears on page 4, paragraph 4.

17 Since the first two sentences will be dealt
18 with by another witness, I would like to look over the
19 third sentence in paragraph 4 of that page which reads:

20 "Pilotage costs now experienced by vessels
21 calling at Kitimat are shown on Exhibits A, B and C
22 attached hereto."

23 Now, turning to the Exhibits, Exhibit A, do you
24 have the pilotage invoice relating to the Sunek?

25 A. I don't think I have the particular invoice
26 with me, but it is available.

27 Q. And you will obtain it?

28 A. Yes.

29 MR. BIRD: I will obtain that, my lord, and it
30 will be available in Vancouver.



1 Q. What about the particulars given in
2 Exhibit A?

3 A. This is a typical alumina carrier going
4 into Kitimat from Jamaica with a full cargo of alumina,
5 and the trip's particulars, that is her gross registered
6 tonnage, speed, are shown at the top of the Exhibit.

7 Q. The alumina is the raw material from which
8 aluminum is made?

9 A. Yes. And the details are extracted from
10 the source card which accompanied the invoice received
11 from the Pilotage Authority and listed here showing the
12 time that the pilots were ordered for, the time they sailed
13 from Cape Beale from the time they boarded the ship, the
14 time from McInnes Island inward and the time they left
15 the ship on arrival at Kitimat. The expenses for the
16 inward pilotage are listed, including the fees, the
17 detention and expenses and the use of pilot boat at Cape
18 Beale.

19 Similarly, the information with respect to the
20 outward passage is shown, the two pilots having been
21 detained at Kitimat to take the ship out via McInnes Island
22 to disembark at Cape Beale. These are the total expenses
23 for the inward and outward passage, including expenses,
24 detention and also launch on two occasions, the total
25 being \$1,178.44.

26 In the inward portion we have a figure under
27 expenses, an item of \$16.25, with an (e) for an estimate,
28 that having been taken from these particular outward
29 expenses, that accompanied the outward invoice. Some
30 pilots would put on their expenses one sum which would



1 either accompany an inward or outward invoice, so we have
2 to apportion expenses to this inward portion of the voyage
3 as well as the outward. It is the total.

4 Q. Now, according to your estimate, what would
5 be the cost of this inward and outward trip if one pilot
6 had been used?

7 A. Well, we took this particular example and
8 estimated the cost on the basis of one pilot rather than
9 two, and in the margin of the Exhibit we entered our
10 conclusions as to the cost for one pilot for this same
11 type of voyage on a similar ship.

12 Q. What was that?

13 A. We arrived at a total of \$743.36.

14 Q. What have you to say as to whether these
15 costs are typical so far as this type of ship is concerned
16 approaching and leaving via McInnes Island?

17 A. I would say that this is typical of the
18 alumina carrier voyage in and out of Kitimat. There is
19 nothing unusual about it, nothing unforeseen occurred,
20 and the comparison of one pilot and two pilots appears to
21 be reasonable, and in my opinion it is a good example.

22 Q. Would you turn over the page to Exhibit
23 B? --

24 COMMISSIONER SMITH: Mr. Bird, would you excuse
25 me a minute to ask a question?

26 MR. BIRD: Yes.

27 COMMISSIONER SMITH: Mr. Burke, on the record
28 both here and I think in Vancouver we have information
29 that pilotage is assessed against the carrier and included
30 in the charter party and payable by the exporter. That is



1 correct, is it? That is the evidence that was given in
2 Vancouver, and I think there was some evidence to that
3 effect here. Maybe it is in the brief. What I would like
4 to find out, and perhaps another official of your company
5 could better answer this question, is this: an assessment
6 of the incidence of the pilotage charges on the cost of
7 the production of aluminum at Kitimat. Is that clear?

8 THE WITNESS: I don't know whether I am qualified
9 to answer that.

10 COMMISSIONER SMITH: I would like to have some-
11 one answer that question. If you can't, perhaps someone
12 else in the company can do it.

13 THE WITNESS: I can say that the first part of
14 your question with respect to the evidence produced in
15 Vancouver, that the exporter pays the pilotage charges,
16 is quite true. In an indirect fashion he would pay all
17 the port charges, I assume, in the freight rate that is
18 quoted to carry the material. But, in fact, the ship
19 pays the port charges, including pilotage charges as a
20 rule. And as I say, it is the ship, the operator of the
21 ship. In our case we operate time chartered ships in
22 some cases. We pay the pilotage charges in and out of
23 Kitimat, and we take into consideration those costs when
24 we quote a freight rate to our parent company, and we
25 are competitive with all outside lines despite the fact
26 that we are a subsidiary.

27 COMMISSIONER SMITH: That evidence was given
28 in Vancouver, and it was more the second part of my
29 question I was concerned about, to get the incidence of
30 the pilotage charges on the cost of the production of



1 aluminum in Kitimat.

2 THE WITNESS: I think perhaps the next witness
3 will be able to produce that information.

4 MR. BIRD: I shall be developing this, Mr.
5 Smith, through my next witness. We have some figures
6 which we think will resolve the problem.

7 Q. Now, turning to Exhibit B in the brief,
8 Mr. Burke, there is an example there showing pilotage
9 charges on the trip from Kitimat to Triple Island. Would
10 you explain to the Commission what you have done?

11 A. Yes. We couldn't readily, when we required
12 it, lay our hands on an invoice to typify this voyage,
13 so we assumed a hypothetical voyage of a ship with a
14 gross registered tonnage of 8,800 tons and a speed of
15 15 knots, and we estimated the costs of piloting from
16 Kitimat to Triple Island with two pilots and with a
17 comparison with one pilot, and we arrived at the conclu-
18 sion that a 15-knot ship, a draught of 30 feet and 8,800
19 gross registered tonnage would cost approximately \$667.19
20 with two pilots, as compared to approximately \$409.36
21 with one pilot.

22 Q. What is the distance from Kitimat to
23 Triple Island?

24 A. About 133 miles.

25 Q. In this example you were not allowing for
26 any stop at Watson Island, were you?

27 A. No, a direct passage.

28 Q. Do I understand that you believe that this
29 is a typical example of the pilotage charges reasonably
30 to be expected on a voyage of this kind?



1 A. Yes.

2 Q. Thank you. Would you turn now to Exhibit
3 C in the brief and would you tell the Commission about
4 that Exhibit. And, incidentally, can this Sunpalermo
5 given in Exhibit C and Exhibit A be related to the
6 details given in the other Exhibits showing the movements
7 and times of arrivals and departures of ships which has
8 already been filed? If it can't, it doesn't matter. In
9 Exhibit 136, for example?

10 A. Exhibit A, December, 1962, yes.

11 MR. BIRD: For the reference of the Commission,
12 my lord, the Sunek, which is the example shown on Exhibit
13 A in the brief, also appears on page 29 of Exhibit 136.
14 The Sunpalermo, which is the example shown on Exhibit C
15 in the brief, does not appear in Exhibit 136 because
16 that vessel arrived in January, 1963.

17 Q. Mr. Burke, would you carry on, please, and
18 describe ---

19 THE CHAIRMAN: Excuse me. Yes, it is mentioned
20 in Exhibit 132, from Cape Beale to Kitimat, Sunpalermo,
21 1st February. It is mentioned there, a list of ships
22 calling in 1963 at Kitimat. It tallies with what I wanted
23 to get.

24 Q. Would you tell the Commission about Exhibit
25 C, Mr. Burke?

26 A. This Exhibit C covers information extracted
27 from a source card and pilotage account submitted in
28 connection with this motor vessel Sunpalermo going into
29 Kitimat via McInnes Island and continuing from Kitimat to
30 Watson Island.



1 Q. Was that ship taking alumina in or aluminum
2 out? In other words, did she come in a light ship or
3 loaded, or can you tell?

4 A. Yes, from memory I believe she had a full
5 cargo of alumina inward, discharged the alumina and then
6 loaded a parcel of metal at Kitimat before proceeding to
7 Watson Island to load pulp. These times and expenses
8 listed are, as I said, extracted from information supplied
9 by the Pilotage Authority in their invoice and the pilot
10 source card, and on the right-hand margin of Exhibit C
11 we have estimated the costs for a similar passage from
12 Kitimat to Watson Island for one pilot versus two and
13 arrived at the conclusion that one pilot would cost
14 approximately \$402.00 as against \$718.00 for two pilots.

15 Q. Is that what you believe to be a typical
16 charge for the movement of the vessel as described on
17 that Exhibit?

18 A. I would say that is a fair example.

19 MR. JACQUES: How many trips a month do you
20 expect to have at Kitimat, say, in 1963?

21 THE WITNESS: We had 29 ships during 1962 at
22 Kitimat, and on the basis of information available to me,
23 I would assume we would have probably the same number
24 next year, in 1963. That is about 30 ships.

25 THE CHAIRMAN: The question and the answer refer
26 to Saguenay Shipping?

27 MR. JACQUES: Oh, yes.

28 THE WITNESS: Yes.

29 THE CHAIRMAN: And when you say ships, you mean
30 voyages?



1 MR. JACQUES: Yes.

2 THE CHAIRMAN: When the same ship called three
3 times at a place, that is three ships, three voyages?

4 MR. JACQUES: Yes, sir.

5 THE CHAIRMAN: I just wanted to make sure of
6 the terms.

7 MR. JACQUES: That is what you meant when you
8 referred to 29 ships?

9 THE WITNESS: Yes, 29 voyages. The same ship
10 could have made the voyage more than once.

11 Q. Now, with reference to Exhibit A, have
12 you made any calculation as to the percentage of the
13 freight that those pilotage charges are equivalent to?

14 A. I haven't, but I believe that---

15 MR. LANGLOIS: What is that?

16 MR. BIRD: The percentage of freight that the
17 pilotage charges are equivalent to. I will be obtaining
18 that from another witness, my lord.

19 Q. Now, we have heard evidence, Mr. Burke,
20 regarding the change in the pilotage by-laws from a day
21 of 24 hours to a calendar day with respect to detention
22 expenses, or charges. Now, would you tell the Commission
23 what you know of the discussions which took place with
24 anyone before that, or with the Pilots' Committee before
25 that change, and how it has affected your operation?

26 A. Well, at one time the detention charges
27 were based on so much per hour for 24 consecutive hours,
28 24 consecutive hours in a day, and at some time, I am
29 afraid I have not been able to pin down the date, the
30 method was changed to calendar days, as opposed to days



1 of 24 consecutive hours. In other words, assuming that
2 the detention charges were \$6.05 per hour, as they are
3 now, if a pilot was on detention at 11 o'clock at night,
4 2300 hours, until 2300 hours the following night would be
5 the 24 hour period in which you would pay the six hours
6 maximum detention, whereas under the new system you would
7 pay the man from 11 o'clock till midnight as a part of
8 the calendar day, one hour detention, and then from mid-
9 night till 6 in the morning would be 6 hours for the
10 following calendar day. In other words, you would pay
11 seven hours detention. That is an example picked at
12 random.

13 Q. Why were you affected by that change, any-
14 more than, say another operator?

15 A. Well, on our ships going into Kitimat
16 with pilots embarking at Cape Beale, invariably there
17 were detention charges from Cape Beale to McInnes Island,
18 where the pilots took over and again at Kitimat while the
19 pilots waited ashore to take the ship out. So we found
20 frequently under the calendar day system that we were
21 doubling our detention charges, depending on the time that
22 the pilots boarded the ship at Cape Beale, and the usual
23 time of 19 hours run from Cape Beale to McInnes Island
24 resulted in two calendar days, whereas under the old
25 system it would only be one.

26 Q. So, unless the passage from Cape Beale to
27 McInnes or vice versa were completed in one calendar day,
28 you had to pay an extra day's detention?

29 A. That is right, sir.

30 Q. If there was a pilotage station located



1 close to Kitimat, what effect would that have on your
2 subsistence, detention, and travel costs?

3 A. If there was a pilot station close to
4 Kitimat, and pilots were able to board ships bound from
5 Kitimat, which were within the vicinity of the pilotage
6 waters, it would eliminate to some extent detention
7 charges, or reduce the detention charges, and similarly
8 it would reduce the expenses, pilots' expenses.

9 MR. BIRD: That is all, thank you Mr. Burke.

10

11 CROSS-EXAMINED BY MR. JACQUES:

12 Q. I have a couple of questions to ask. This
13 will not be a lengthy cross-examination.

14 Have you calculated the savings to your company
15 if one pilot only were used, instead of two pilots?

16 THE CHAIRMAN: Well, it is calculated on those
17 three A, B and C examples. Do you ask for more, per year
18 proportion?

19 MR. JACQUES: Exhibit A, if I take your example
20 as a basis, I find that there would be a saving of \$435.08.
21 In Exhibit C there would be a saving of \$316.12.

22 Q. Would it be fair to say that the average
23 saving would be about \$400.00 per voyage?

24 A. Yes, I think that would be reasonable.

25 Q. So it would mean a saving of roughly
26 \$12,000.00 a year, if you have 30 voyages?

27 A. That is right.

28 Q. Now, another question on the figure of 6
29 hours which was chosen for maximum detention. Are you
30 aware of that, why not 8, why not 5, why not 4?



1 A. I am afraid I can't answer that. It is
2 in the Pilots' By-laws.

3 Q. Are you in a position now to state what
4 the policy of your company would be as regards pilotage
5 if pilots were free? Would your company have the policy
6 to take pilots, or not to take pilots?

7 A. That would be a subject for management to
8 decide on, which they have given some thought to. I don't
9 know what their reaction might be to a situation like
10 that.

11 Q. These ships which you operate, what flag
12 do they fly?

13 A. These ships that we call our own ships
14 are British, and in some cases Liberian flag. We have
15 four British flag, four Liberian flag. The time-chartered
16 ships are Norwegian, Italian, and British. There may be
17 some other nationalities.

18 Q. On the British ships, may I assume that
19 the crews would be British?

20 A. On our British ships the crews are British.
21 They are West Indians, the unlicenced personnel. The
22 officer personnel are Canadian and British officers.

23 Q. Roughly speaking, how many Canadian masters
24 do you have working for your company?

25 A. I believe that at the moment we have five
26 Canadian masters.

27 Q. And how many officers, mates mind you, not
28 engineers?

29 A. Canadian?

30 Q. Canadian, yes?



1 A. I am afraid I don't know.

2 Q. Could you get that information please,
3 and pass it on to us in Vancouver?

4 A. Yes, sir.

5

6 RE-EXAMINED BY MR. BIRD:

7 MR. BIRD: My lord, I have one question.

8 Q. Mr. Burke, have you in your position,
9 first of all are you a member of the Vancouver Chamber
10 of Shipping?

11 A. Yes sir.

12 Q. When did you become a member?

13 A. About five years ago.

14 Q. Now, have your views so far as your
15 Kitimat operation is concerned, always coincided with the
16 views of the Vancouver Chamber of Shipping?

17 A. No sir.

18 Q. So far as pilotage goes?

19 A. No sir.

20 Q. In what respect, and why have they
21 differed?

22 A. Well, when Kitimat opened up first the
23 ships running in there were more or less confined to our
24 own ships. No other lines were running in. We were
25 bringing in the raw materials for construction. That is
26 deep sea ships, and the materials for construction, as
27 well as the raw materials to produce the metal, and there
28 were not many other lines, if any, running into Kitimat
29 for quite some time until after they started producing
30 metal. So that no-one had any particular interest in the



1 pilotage costs into Kitimat except ourselves, and the
2 Chamber of Shipping in Vancouver, in my opinion, didn't
3 take sufficient interest at that time in the pilotage
4 costs into Kitimat. Consequently from my point of view
5 I felt that we wouldn't obtain too much assistance in
6 enlisting their aid.

7 Q. Well, assuming that the Vancouver Chamber
8 of Shipping is now more interested in what is happening
9 at Kitimat, to what do you attribute that increase in
10 interest?

11 A. Well, with the commencement of production
12 all lines operating to areas in which the metal is being
13 sold have been given an opportunity to participate in this
14 business, and consequently the ships of quite a number
15 of lines are now calling into Kitimat, and the operators
16 are conscious of the pilotage costs into Kitimat, and have
17 now taken keener interest in them.

18 Q. By and large, what is the nature of the
19 shipments that these other groups represented by the
20 Chamber of Shipping take out of Kitimat?

21 A. Well, they take out parcels of aluminum
22 ingot from Kitimat, and one line brings in pitch in bulk.
23 That is an outside line, but generally it is the lines
24 that are carrying the metal in small parcels from Kitimat.

25 MR. LANGLOIS: My lord, I understand that
26 we are going to postpone the cross-examination of this
27 witness to enable Mr. Bird to call another witness.

28 THE CHAIRMAN: That is right.
29
30



1 JOHN LAWRENCE CONNOLLY, sworn:

2
3 DIRECT EXAMINATION BY MR. BIRD:

4
5 THE SECRETARY: What is your name?

6 THE WITNESS: Connolly.

7 THE SECRETARY: And your initials?

8 THE WITNESS: J.L.

9 THE SECRETARY: Vancouver or Kitimat?

10 THE WITNESS: Kitimat.

11 Q. Your full name, please, Mr. Connolly?

12 A. John Lawrence Connolly.

13 Q. And what position do you hold with the
14 Aluminum Company of Canada?

15 A. I am a Divisional Superintendent, and
16 part of my responsibility is the dock in Kitimat.

17 Q. How long have you been employed with the
18 Aluminum Company, and how long at Kitimat?

19 A. With the company approximately twenty
20 years, and at Kitimat approximately nine.

21 Q. Would you briefly describe for the
22 Commission your duties as Divisional Superintendent at
23 Kitimat?

24 A. In general I am Chief Engineer, Mechanical
25 Superintendent, and I have a Purchasing Department, and
26 of course cover the wharf responsibility. Then there
27 are boiler departments, fire departments, and that sort
28 of thing.

29 Q. Have you any knowledge of the cargoes
30



1 which pass inward and outward over the dock at Kitimat?

2 A. I do.

3 Q. Would you tell the Commission approxima-
4 tely what is the capital investment that the Aluminum
5 Company has at Kitimat?

6 A. The original investment has been quoted
7 at 475 million, and I think a close estimate of what has
8 been added in the last two years would be about another
9 200 million. That is 675 million.

10 Q. Dollars?

11 A. Yes.

12 Q. And what are you including in that figure?

13 A. In that figure would be included the
14 power station and development at Kemano, the development
15 of the townsite and plant at Kitimat itself, and in
16 general the total municipal utilities, and all the
17 plant and construction.

18 Q. I don't think we have heard yet where
19 Kemano is. Can you mark on Exhibit 124, the Queen
20 Charlotte Sound to Dixon Entrance chart where Kemano is?

21 A. It is approximately fifty miles from
22 Kitimat by land, and by water through the Gardner Canal,
23 approximately sixty miles.

24 Q. Would you put a red circle with a cross
25 in it to show the approximate position of Kemano?

26 --- (The Witness complies)

27 MR. BIRD: My lord, the witness has
28 marked near the wording "Kemano Bay" on Exhibit 124.

29 Q. What facilities are there at Kemano? What
30



1 is the reason for Kemano?

2 A. Kemano is the power development which
3 supplies the whole valley of Kitimat, clear through to
4 Terrace, including Terrace.

5 Q. Where is the dam?

6 A. The Kenny Dam, which backs up a chain of
7 lakes, is on the Nechako River.

8 Q. Some distance away?

9 A. Yes.

10 Q. What can you tell the Commission about
11 new business projections in the Kitimat area, so far as
12 the general development of the aluminum interests is
13 concerned?

14 A. Well, at the moment, the Aluminum Company
15 of Canada is the only real industrial development in
16 Kitimat, but continually there are inquiries of new
17 businesses coming into the valley, because of the power
18 development and the municipal utilities, and the
19 facilities already supplied. There are very active
20 inquiries into pulp and paper developments. There are
21 very active developments, on at least two other companies
22 I know of, that are in the engineering stage, leading to
23 estimate to decide facilities.

24 COMMISSIONER SMITH: They are not
25 subsidiaries of your company, are they?

26 THE WITNESS: No.

27 COMMISSIONER SMITH: Independent entirely?

28 THE WITNESS: Totally independent.

29 Q. Have you prepared a classification of
30 cargo sizes loaded out of Kitimat during the year 1962?



1 A. I have.

2
3 ---EXHIBIT NO. 138: Classification of cargo sizes
4 loaded out of Kitimat during
5 the year 1962.

6 Q. Mr. Connolly, would you just look at page
7 1, the first page of this classification of cargo sizes.
8 What does the summary show?

9 A. The summary shows that out of 46 cargoes
10 of aluminum products going out of Kitimat in 1962, that
11 19 of the total 46 cargoes were below a thousand tons;
12 ten cargoes were between 1,000 and 1,500 tons; five
13 cargoes were below or between 1,500 and 2,000 tons; one
14 cargo was between 2,000 and 3,000 tons; and the balance
15 of 11 were over 3,000 tons, and ranged roughly from 3,000
16 tons to about 7,500 tons.

17 THE CHAIRMAN: Before you go further, Mr.
18 Bird, on the first page there, does that mean that there
19 were only 46 cargoes in 1962 out of Kitimat?

20 MR. BIRD: I was just going to deal with
21 that, my lord.

22 Q. Now, you have shown 46 cargoes. Was that
23 all of the cargoes that were loaded out in that year?

24 A. That would be all of the deep-sea cargoes
25 that were loaded out.

26 Q. Well, what cargoes other than deep-sea
27 are you referring to? Is there a coastal movement?

28 A. Yes, there is a coastal movement that
29 takes in the order of 11,000 tons, and then there is a
30



1 considerable rail movement, which is not concerned here.

2 Q. And the 46 shipments, would those ship-
3 ments be on all vessels, not only on Saguenay Shipping-
4 operated vessels?

5 A. That is correct. They are the total of
6 all lines of deep-sea vessels that come into Kitimat.

7 MR. BIRD: Before we continue with that
8 exhibit, I believe it was Mr. Langlois, my lord, asked
9 for, or observed that there were certain full cargoes
10 taken out, and I will be dealing with that in a moment.

11 But I have obtained a record of the
12 larger cargoes that were taken out of Kitimat, and when,
13 and I only have the one copy, and I would like to file
14 that. I will just read it. There are not many ships.
15 In July, 1957 the "Melida" took out 7,146 short tons;
16 in January, 1959, the "Sunrana" took out 8,621 short tons;
17 in April, 1959, the "Megara" took out 12,262 short tons;
18 in May, 1959, the "Sunmoss" took out 7,642; in June,
19 1959, the "Sunriver" took out 7,601 short tons; in July,
20 1959, the "Sunetna" took out 9,626 short tons; in
21 September, 1959, the "Megara" took out 7,972 short tons;
22 in October, 1959, the "Sungran" took out 8,260 short tons;
23 in November, 1959, the "Sunrip" took out 7,166 short tons;
24 in January, 1960, the "Sunpalermo" took out 11,241 short
25 tons; in May, 1960, the "Roland" took out 7,666 short
26 tons; in October, 1960, the "Sunriver" took out 9,377
27 short tons; in January, 1961, the "Sungate" took out
28 8,036 short tons; in February, 1961, the "Morviken" took
29 out 11,826 short tons; and in May, 1962, the "Megara" took
30 out 8,999 short tons.



1 ---EXHIBIT NO. 139:

List of larger cargoes taken
out of Kitimat between 1959
and 1962.

4 THE CHAIRMAN: By larger cargoes, do you
5 mean that they were full cargoes?

6 MR. BIRD: No, my lord. I will be dealing
7 with that in a moment.

8 Q. Now, Mr. Connolly, has a full cargo of
9 aluminum ever been shipped out of Kitimat whilst you
10 have been there?

11 A. I believe one, or one is the only one of
12 which I have knowledge.

13 Q. Was that the "Sunpalermo"?

14 A. The 11,826 short tons, I believe the
15 "Morviken" was the one that was closest to a full cargo.

16 Q. "Morviken" 11,826 short tons, and the
17 "Megara" in 1959 loaded 11,262 short tons?

18 A. Yes, I think the "Megara" still had
19 room left in her.

20 Q. Would you return to Exhibit 138. How
21 many ships are there on page 1, which indicates the number
22 of vessels which loaded less than a thousand tons?

23 A. Nineteen.

24 Q. I see that you have them in order, so
25 that the lowest tonnage listed appears at the top, and
26 the highest tonnage appears at the bottom of the list.
27 Is that right?

28 A. That is correct.

29 Q. On page 2, how many ships are there which
30 loaded between 1,000 and 1,500 tons?



1 A. Ten.

2 Q. And page 3, what appears there?

3 A. Page 3, five.

4 Q. Loaded what?

5 A. Loaded between 1,500 and 2,000 tons.

6 Q. Incidentally, I don't think I asked you,
7 are we dealing in this Exhibit with long tons or short
8 tons?

9 A. Short tons.

10 Q. On page 3 we have five that loaded
11 between 1,500 and 2,000 short tons, right?

12 A. Right.

13 Q. And page 4?

14 A. Page 4 is one loaded between 2,000 and
15 3,000 short tons.

16 Q. And page 5?

17 A. On page 5 there are eleven over 3,000
18 tons.

19 Q. The highest tonnage is the "Megara", of
20 about 9,000 short tons?

21 A. Right.

22 Q. Can you recall what the situation has
23 been in 1963? Have the shipments been largely partial
24 shipments or have there been any large shipments? What
25 is the general trend?

26 A. To date in 1963, speaking from memory,
27 we have had 23 ships, 23 voyages in two and a half months,
28 and the deep-sea ships carrying aluminum out would range
29 much to the pattern we have shown in this Exhibit 138.
30



1 Q. What is that pattern?

2 A. The pattern ranges --- we have a minimum
3 cargo regulation at Kitimat --- generally around 700 tons.
4 is the minimum a ship would like to divert into Kitimat
5 for, and the cargo range, I would say, would be pretty
6 close from 700 to around 3,500, much the same as in the
7 pattern here.

8 Q. Have you projected your thinking so as
9 to be able to give any reasonable estimate of the number
10 of ships which you will expect to have in Kitimat during
11 1963?

12 A. The present rate, that works out to about
13 100 this year. I doubt if we will get that many. I think
14 we had an acceleration earlier in the year, and my
15 estimate would be 70 or 80 deep-sea vessels in the year.

16 Q. Do you anticipate any increase or decrease
17 over last year, or will it remain the same?

18 A. If there is any possibility, we could
19 have approximately five ships more. There is a more
20 efficient production level which is turning out more
21 aluminum. This has to be gauged against the stockpile
22 situation and the market for the rest of 1963.

23 Q. Where do the majority of these ships
24 approach from and leave from?

25 A. About 90% of the vessels come from the
26 south and leave for the south.

27 Q. Now, have you determined the pilotage
28 cost per ton of the cargo shipped out of Kitimat?

29 A. Yes, I made a small calculation here for
30 the benefit of the hearing and the Commission.



1 Q. This is pilotage costs per ton of cargo
2 shipped from Kitimat in 1962. Is that what it is, 1962?

3 A. That is correct.
4

5 ---EXHIBIT NO. 140: Pilotage costs per ton of cargo
6 shipped from Kitimat in 1962.
7

8 Q. Now, with reference to this Exhibit 140,
9 would you tell the Commission how this calculation was
10 made and whether or not you consider it reasonable in the
11 light of your experience?

12 A. The business of, say, freight and pilotage
13 enters both into the raw materials coming into Kitimat,
14 which come in by deep-sea vessel, and then, of course, the
15 raw material is turned into the outgoing product, and
16 the outgoing product also includes freight and pilotage
17 fee. So what I did here was take the deep-sea tonnage
18 that was shipped out of dock in 1962, 94,059 tons. Then
19 I took the total pilotage cost for the 72 total vessels
20 that had come into the port, deep-sea vessels, and
21 multiplied the 72 vessels that came into the port by a
22 flat figure for pilotage of \$1100.00, which is an
23 average figure, the total pilotage costs over several
24 years divided by the number of vessels.

25 Q. That is total pilotage cost inward and
26 outward?

27 A. Inward and outward. That came to a total
28 figure of \$79,200.00.

29 Then since 46 of the 72 total vessels carried
30 out the 94,000-odd tons, the ratio of 46 to 72 of the



1 total pilotage figure gives a figure of \$50,600.00 as
2 the pilotage allotment for the 94,059 tons of product
3 that were shipped out directly concerned with it and its
4 passage out of the port.

5 Q. That is in the year 1962?

6 A. Yes. That being attributed then to the
7 product that went out that year as direct pilotage cost.
8 Then I took the balance of the pilotage for that year,
9 which would be the difference between the \$50,600.00 and
10 the \$79,200.00 total pilotage and allotted a portion of
11 it since it had covered the raw materials coming in that
12 had made the 94,059 tons of product going out, I allotted
13 a ratio of 94,059 tons to 175,000 total tons that we
14 made in the plant.

15 I took that ratio of the pilotage on the
16 raw materials and attributed that to the outgoing final
17 product to get a total of \$66,000.00 of pilotage fees
18 that could be attributed to the 94,000 outgoing tons in
19 1962. That then divided by the tonnage works out to
20 seventy cents a ton.

21 This is a very quick ratio calculation,
22 I think everybody will readily see. On the whole, I would
23 say the cost of pilotage per ton is pretty close to 68
24 cents to 70 cents.

25 COMMISSIONER SMITH: Excuse me, could I
26 ask a question?

27 MR. BIRD: Yes, sir.

28 COMMISSIONER SMITH: What is your total
29 production in tonnage?

30 THE WITNESS: The total production of



1 aluminum products for the year would be 175,000 tons.

2 COMMISSIONER SMITH: At Kitimat?

3 THE WITNESS: Yes.

4 Q. So the balance goes by rail?

5 A. The balance goes by rail or by coaster.

6 Q. But you have given the coaster figure
7 in that exhibit, have you not?

8 A. No, the tonnage is not included. It is
9 only deep-sea tonnage.

10 Q. But you have made an allowance for the
11 amount that goes by sea in coasters?

12 A. Yes, I separated out the amount that goes
13 by coast and deep-sea vessels.

14 Q. You have said that you consider 70 cents
15 a ton as a reasonably significant figure. Are you able
16 to say with certainty that the pilotage costs per ton
17 would exceed 50 cents a ton?

18 A. Definitely.

19 Q. So that we have a lower must limit, for
20 lack of a better term?

21 A. Yes.

22 Q. What significance has this figure of 70
23 cents a ton in the costing process? Can you relate it?
24 For instance, are there costs of a greater or lesser
25 amount which concern you?

26 A. In the export market in which we sell our
27 product we sell to the fraction of a cent. Now, we worry
28 about our warehouse costs, but to put this in any context,
29 five cents a ton, say, in the Los Angeles area or in our
30 warehousing in Tokyo or in Australia, we would worry and



1 be concerned about that. We have to about to any costs.
2 And today's market for any Canadian company --- and there
3 are lots of us in the export business --- if we don't
4 worry over a fraction of a cent, when we are considering
5 the overall living standard and the costs that are tied
6 into the good Canadian living standard that we have, and
7 we are selling our products in the world where labour
8 costs are vastly different and people are damned smart ---
9 we have competition which is making all of us sharpen up.
10 We have engineering costs, we have to worry about our
11 transportation costs, our production costs, and every
12 facet of our business has to be examined. So naturally
13 we are very concerned over pilotage costs of anything in
14 the neighbourhood of 60 cents or 70 cents a ton.

15 Q. What is the price of aluminum per pound,
16 the world price, today?

17 A. What is known as a world price is $22\frac{1}{2}$
18 cents American.

19 Q. U.S.?

20 A. U.S. funds, and 24 cents a pound Canadian.
21 However, in the every-day battle to sell this product in
22 competition, the situation of over-capacity in the world
23 today, with numerous new companies entering the aluminum
24 business, the world price means very little. In the
25 every-day battle we will find that Japan is putting
26 aluminum, say, into Italy at $18\frac{1}{2}$ cents a pound. The
27 French will put aluminum into the U.S.A., which is also
28 a producing country, at $20\frac{1}{2}$ cents, whereas the U.S.A.
29 world price is based on $22\frac{1}{2}$ cents. This is not unique,
30 of course, in today's world, but the prices are depressed



1 in the aluminum business. We are all fighting to get our
2 plants into producing capacity; we are all operating in
3 the range of about 75% to 85% on this continent.

4 Q. That is 75% to 80% of full production?

5 A. That is correct.

6 Q. From your knowledge of the pilotage cost
7 situation so far as Kitimat is concerned, what causes
8 these high pilotage charges? What items in particular,
9 if any, in those which make up the total pilotage charges
10 are the significant ones so far as affect Kitimat?

11 A. Well, I think the way we would look at
12 it from our point of view is we are more concerned,
13 naturally, with the safety of our vessels, that one pilot
14 is a satisfactory calculated risk to bring a vessel into
15 Kitimat. As you work into two pilots you work into a
16 detention figure which is working up to a third of the
17 total pilotage cost. All of which definitely results in
18 some incremental value of a dollar that eventually goes
19 to our product and makes it difficult to deal in a world
20 situation where you are dealing with a very high price
21 circumstance.

22 Q. If the pilots received a fair fixed
23 remuneration, what have you to say as to whether it would
24 be necessary to establish a northern pilots' station
25 south of Prince Rupert?

26 A. I think our view, the total view north of
27 50 on the northern station idea is we want to impress the
28 necessity to get the thinking to get the centre shifted
29 a bit from the lower mainland towards the north.

30 Q. You wanted to shift what towards the north?



1 A. We would like to get the thinking of the
2 importance of the north and our production up here shifted
3 a bit to the centre of the province. We are all concerned
4 with developing the north, and the inertia of the lower
5 mainland thinking as it applies to our problem has to
6 change. It is an inevitable coming process, and the hand
7 of everybody is being forced by the development that is
8 inevitably coming in the north. We already have a big
9 development in Kitimat; the port of Rupert has developed,
10 all the way along Highway 16 to Prince George; every
11 chamber of commerce is busy on some project that involves
12 shipping of everything from mine products to lumber and
13 various products which are made out of one or the other
14 of these two ports.

15 Now, all of this eventually is going to
16 force a line of thinking that I think will be more of an
17 assistance to us by the fact that we are an entity that
18 exists and has needs; and we are at the moment a sort of
19 voice crying in the wilderness that gets very little
20 attention from the point of view of our needs, our cost
21 necessities and the climate we need to do business in.

22 I don't think we have any particular brief
23 or ability to recommend where a northern pilots' station
24 should be. I think that we see a northern pilot station
25 as some facsimile of a cheaper way of supplying pilotage.
26 That is something, as I say, where the thinking should
27 shift. I don't think it is something we should be
28 worrying about necessarily. We worry about our costs,
29 but I think it is the business of the pilotage authority
30 to work out either a northern station or a northern



1 rotational system which will give us cheaper costs in
2 operating and give us a chance to supply Canadian products
3 to the world at a better price.

4 The feeling that I am trying to express
5 is a northern feeling that we shouldn't have to press
6 people to give a service which is being well-paid for and
7 there is an obligation on that half to make their business
8 as efficient as we make ours, so that together we can
9 make a cheaper product.

10 Q. Now, you have in your brief certain
11 possible sites for a northern pilot station, if the
12 Commission in its wisdom should feel disposed to recommend
13 that such should be established.

14 THE CHAIRMAN: Mr. Bird, we will adjourn
15 for fifteen minutes.

16
17 ---Short Recess.

18
19 Q. Have you anything more to add to what
20 you have said regarding the suggestions appearing on
21 pages 7 and 8 of the brief, where a northern pilot station
22 might be established?

23 A. :No, I don't believe so. I don't think
24 I am qualified. To decide on a northern pilot station
25 would take quite a bit of research to decide a location
26 that you could put in good communications, and a good
27 spot where a deep-sea vessel could go in and be accommo-
28 dated by a pilot, who in turn could be serviced by a
29 boat. I don't think, as I say, that I am qualified, but
30 I think our only purpose is to point out that some version



1 of a northern pilot station, or some facsimile of a
2 rotational system that can lower the cost of pilotage by
3 avoiding detention fees should be worked out.

4 Q. That is apart, of course, from Prince
5 Rupert? Someplace other than Prince Rupert?

6 A. Quite right.

7 Q. Now, I would just like to deal with one
8 or two short points that I haven't covered. Will you tell
9 the Commission what your views are as to the comparative
10 cost of pilotage between the lower ports and the Gulf,
11 down in the Vancouver area, and the cost of pilotage in
12 the north?

13 A. Well, our feeling in the north is that
14 everything comes easier in the lower mainland, and the
15 pilotage waters are shorter. They have no detention
16 fees, and in general their costs are lower, whereas we
17 have a terrific investment up in the north country, that I
18 think entitles us to service the same as similar investments
19 and businesses in the lower mainland. I don't think that
20 geographical isolation entitles us to anything free
21 gratis. All I am saying is that some effort, rather
22 than inertia, should be forthcoming in order to alleviate
23 some of the expenses that we incur due to the centre of
24 gravity of pilotage being too low down in the province.

25 Q. Now, some reference has been made to full
26 cargoes being carried out of Kitimat. First of all, would
27 you like to ship full cargoes out of Kitimat on every
28 ship that arrived there?

29 A. We certainly would.

30 Q. And why are you not able to load full



1 cargoes on vessels coming into Kitimat?

2 A. The ideal situation would be if we had a
3 ship always sitting at the dock, ready to take the orders
4 that our customers wanted today or tomorrow, or on a
5 definite delivery date, and to a definite price. Now, we
6 are getting orders from all over the world constantly
7 coming in as our sales force around the world develops
8 orders. They develop orders, and secure business, on the
9 strength of a price quoted and a time of delivery, and
10 once that order has been secured they have to deliver,
11 or the next time they lose the business. Now, that whole
12 machinery gets into operation from Montreal through to
13 Kitimat, and we get constant teletype or telephone
14 communications saying that such and such a tonnage has to
15 be shipped to such and such a place at such and such a
16 time. We are very fortunate in most delivery situations
17 that we can get vessels. It is a constant, daily effort
18 to get bottoms to put small packages in, and we will
19 literally ship today packages as low as ten tons to back-
20 alley addresses in Hong Kong, or various parts of the
21 world.

22 Q. Is that rendered necessary because of the
23 intense competition that exists in the aluminum business?

24 A. That is correct, and every other aluminum
25 company is doing the same thing.

26 Q. Reference has been made also to the
27 necessity to dredge the area facing the berths at Kitimat.
28 Now, why hasn't that been done before, before the present
29 day?

30 A. Since we started the port we have had



1 a gradual silting up of four to six inches a year into
2 the dredged channel. This about three years ago warranted
3 negotiations starting to bring a dredge in, and at the
4 time every dredge in the lower mainland here was busily
5 working at the Fraser River, or tied up, so we couldn't
6 make arrangements that first year. The second year ---
7 we got a guarantee though that first year that we would
8 get a dredge for May of the following year.

9 COMMISSIONER SMITH: Does the Public Works
10 Department do any dredging there, Mr. Connolly?

11 THE WITNESS: No.

12 COMMISSIONER SMITH: None whatever?

13 THE WITNESS: None whatever. We arranged
14 with the B.C. Dredging Company to send a large, modern
15 dredge, the "MacKenzie", to Kitimat, and for reasons
16 that have still never been discovered she sank en route
17 being towed to Kitimat, off of Egg Island, and that
18 company was unable then to produce another dredge. This
19 would be last year, and again we went into negotiation
20 for a dredge, which culminated in a dredge as soon as
21 what is called the rough weather season up the coast
22 moderates, which is about May the 1st, we will have a
23 dredge in, and will dredge the basin back to about minus
24 34.

25 Q. So that that will enable ships to make
26 the passage from McInnes Island to Kitimat more quickly
27 than they now do?

28 A. Yes, with no obstruction due to waiting
29 for tide.

30 Q. By obstruction you mean slowing down?



1 A. Correct.

2 MR. BIRD: That is all. Thank you, Mr.
3 Connolly.

4
5 CROSS-EXAMINED BY MR. LANGLOIS:

6
7 Q. Mr. Connolly, you mentioned the capital
8 investment of Alcan in Kitimat. Are all the installations
9 in Kitimat owned by Alcan?

10 A. By installations ---- let us say all the
11 aluminum plant facilities, and it is the only real
12 industrial plant in the area, the bulk of the land within
13 the, at least one-half the municipal boundaries is owned
14 by Alcan. There are besides the existing townsite and
15 plant site cleared areas for the next, say, three or four
16 years development. We have over 600 available housing
17 units that are still standing there vacant and being
18 maintained, due to being sort of choked off in the middle
19 of a boom period. We also own Kemano.

20 Q. What of Aluminum Limited? Do they own
21 anything in Kitimat?

22 A. Aluminum Limited, that is the holding
23 company for the group companies, Alcan being one of the
24 group companies, and Alcan owns the facilities at Kitimat.

25 Q. These capital investments by Alcan in
26 Kitimat surely produce revenues, do they?

27 A. I think probably yes. That is the general
28 purpose.

29 Q. Have you taken cognizance of the disclosure
30 made by Nathaniel V. Davis, President of Aluminum Limited,



1 which appeared in the "Vancouver Sun" on the 15th of this
2 month, giving the net earnings of Aluminum Limited for
3 the year 1962?

4 A. Yes. As a stockholder I am always very
5 interested in this type of information, as well as being
6 a member of the company.

7 Q. Are the figures giving the net earnings
8 of Aluminum Limited and Alcan, being 37.7 million for
9 Aluminum Limited and 27.1 million for Alcan, are they
10 accurate figures to your knowledge?

11 A. I would think so, yes. Am I permitted
12 to ask you a question at this point?

13 MR. BIRD: No. You must answer the
14 questions that you are asked.

15 MR. LANGLOIS: I have no objection. Do
16 you want to talk about the five million windfall and the
17 exchange rates? Is that what you have in mind?

18 THE WITNESS: No, I only wanted to point
19 out that you are taking one fact out of context.

20 Q. Now, you have filed this morning a clas-
21 sification of cargo sizes, and you refer to coastal move-
22 ments. Would you mind telling the Commission what you
23 meant by coastal movement?

24 A. By coastal movement I would mean aluminum
25 carried out by Northland Navigation, who have mostly small
26 freight service up to Kitimat, and also a barge arm of the
27 same company.

28 Q. I understand that these ships are not
29 taking pilots?

30 A. That is correct.



1 Q. Now, in this Exhibit 138, you give the
2 tonnage. Am I to understand that this is only the out-
3 bound tonnage?

4 A. You are speaking of aluminum in this?

5 Q. I am speaking of the figures that you gave
6 under the heading of tonnage, in Exhibit 138?

7 A. That is purely outbound tonnage to the
8 amount of 94-odd thousand.

9 Q. Would you have the figures for inbound
10 tonnage for each of the ships mentioned in this Exhibit
11 138?

12 A. Approximately 48,000 tons of bulk.

13 Q. Could you supply the exact figures for
14 each of the ships mentioned in Exhibit 138?

15 A. 42 of the 46 ships mentioned would come
16 in to pick up aluminum at our port that might have already
17 picked up cargo somewhere else, and would be taking our
18 cargo out to fill the vessel, and possibly going on some-
19 where else to pick up its final cargo, but none of that
20 cargo there mentioned would be destined for ourselves.

21 Q. Do you mean to say that none of the
22 ships listed in your Exhibit 138 had inbound cargoes which
23 were finally unloaded in Kitimat?

24 A. My previous statement covered 42. The
25 other four vessels brought cargoes of alumina in, and
26 discharged, the average tonnage being about 13,000 tons
27 per vessel.

28 Q. Now, I repeat my original question. Could
29 you supply the Commission with the tonnage carried in-
30 bound and finally unloaded in Kitimat for each of the



1 ships shown in Exhibit 138?

2 A. No.

3 Q. How is that?

4 A. Because I have no knowledge of the cargo
5 brought into Kitimat in the vessels that belong to other
6 interests.

7 Q Could you provide the same figures for
8 cargoes which were consigned to your company, inbound
9 cargoes?

10 MR. BIRD: My lord, excuse me. I think
11 the witness has perhaps misunderstood Mr. Langlois. I am
12 not sure. Perhaps he might ask the question again? I
13 assume Mr. Langlois is asking the witness the tonnage of
14 goods which came inward over the Aluminum Company dock
15 at Kitimat?

16 THE CHAIRMAN: That is right.

17 MR. LANGLOIS: That is right.

18 MR. BIRD: And he has given four ships,
19 dealing with approximately 13,000 tons of alumina in each,
20 and presumably the witness may be able to say as to
21 whether there was any more cargo of a different type that
22 came in, and give the tonnage of that, if there is any?

23 THE WITNESS: The two things are
24 compatible, if I understand you. 72 deep-sea vessels
25 came into the port and discharged cargo, but only 46 of
26 the vessels involved are concerned in this aluminum out-
27 go, and of that 46 the bulk of those bottoms would come
28 in with somebody else's cargo already in them that I
29 can't define, or ---

30 Q. Well, these cargoes will go over your



1 own dock in Kitimat?

2 A. No, they remain in the vessels and we
3 put aluminum over the top of them.

4 Q My question was quite clear. I was asking
5 you to give us the tonnage carried in vessels and unloaded
6 in Kitimat, and necessarily is it not a fact that these
7 cargoes will have to go over your own dock?

8 A. Yes, true.

9 Q. Why can't you provide the figures, then?

10 MR. BIRD: There was the misunderstanding,
11 my lord ---

12 THE WITNESS: I can provide the figures
13 for the four ships only which carried inbound cargo of
14 that 46.

15 Q. What about the other ships?

16 A. The other ships were of various lines
17 from all over the world, coming in to pick up aluminum,
18 not for any reason pertaining to bringing cargo into
19 Kitimat.

20 Q. Apparently you are again talking about
21 cargo in transit. What I want you to provide the
22 Commission is the tonnage which was unloaded at Kitimat
23 by any of the ships of all the ships mentioned in
24 Exhibit 138. Is that clear?

25 A. In Exhibit 138 there are only 46 ships
26 involved.

27 Q. I know how many ships are involved. Can
28 you provide the information?

29 A. Only four of the 46 brought in cargo into
30 Kitimat for the Aluminum Company.



1 THE CHAIRMAN: For the Aluminum Company,
2 but they might have brought cargo for people staying
3 over there, or for building materials, not for any
4 company needs?

5 THE WITNESS: Not to my knowledge, and
6 that is not the custom at all. All other facilities
7 come into Kitimat on coasters and have a separate
8 wharf.

9 Q. Do you mean that deep-sea ships will go
10 to another wharf to unload at Kitimat?

11 A. No, I am saying that the type of cargo
12 that you are trying to get at comes in on coastal vessels
13 to another wharf.

14 Q. Let me put it this way. Could you
15 provide the Commission with both the inbound and outbound
16 cargo that went over your dock in Kitimat for the year
17 1962, consigned to you or somebody else?

18 A. Yes.

19 Q. Would you have these figures?

20 A. Yes.

21 Q. Could you provide them?

22 A. Yes.

23 MR. BIRD: Apparently they can be
24 provided fairly readily. How soon do you think we could
25 get those figures?

26 MR. JACQUES: You may refer to your files
27 if you wish.

28 MR. BIRD: I am showing you a book. Now
29 would you continue with Mr. Langlois, and if you can
30 extract the information that he has asked you to give



1 from that record that you have in front of you, please
2 do so?

3 MR. LANGLOIS: Would it not save time for the
4 witness to file an exhibit similar to this one giving
5 the information?

6 MR. BIRD: He can give it to you right
7 here.

8 THE CHAIRMAN: If it is not much he can
9 give it right now.

10 MR. BIRD: Are you able to do it with
11 that record you have in front of you?

12 THE WITNESS: Yes, it is going to take a
13 bit of time. I have in front of me the total log of the
14 72 vessels that came in, and what they either brought
15 or took out. I would have to go through Exhibit 134 and
16 take each vessel of the 46 and run down this list.

17 THE CHAIRMAN: So would you do that for this
18 afternoon?

19 MR. LANGLOIS: It will be very easy to
20 have this information as an additional column on Exhibit
21 138 for each of the ships mentioned.

22 THE CHAIRMAN: Could that be done?

23 THE WITNESS: Yes.

24 MR. BIRD: My lord, while Mr. Langlois
25 is continuing with his cross-examination Mr. Hayes can
26 extract the information which Mr. Langlois requests.

27 THE CHAIRMAN: Right. To be inserted on
28 Exhibit 138 as an additional column on the right.

29 Q. Mr. Connolly, you also filed as Exhibit
30 139 a list of larger cargoes taken out of Kitimat between



1 1959 and 1962, and the column is headed short tons. Would
2 you tell the Commission as to whether or not this is
3 only the outbound cargo carried on these ships?

4 A. That is correct.

5 Q. Would you tell the Commission as to whether
6 or not any of these ships carried inbound cargoes on
7 these trips?

8 A. We can provide that information.

9 Q. Would you also put an additional column
10 for the inbound cargo carried by these ships on these
11 trips?

12 A. Yes.

13 Q. Mr. Connolly, you stated that 90% of the
14 vessels come and leave by the southern route?

15 A. Yes.

16 Q. Do you mean that they all take the
17 inside passage?

18 A. No. Very few take the inside passage.
19 By inside passage we mean between Vancouver Island and
20 the mainland I gather?

21 Q. They go by way of Cape Scott then?

22 A. Yes.

23 Q. Now, you filed Exhibit 140, pilotage
24 costs per ton of cargo shipped from Kitimat in 1962.
25 Would you tell the Commission how you arrive at this
26 figure of 1,100 dollars which you are using as being the
27 average pilotage cost?

28 A. I obtained that figure from Saguenay
29 Shipping and Capt. Sobinsky I was told in their Montreal
30 office had taken several years of pilotage costs and



1 divided them by the number of vessels involved, to come
2 out with the 1,100 dollar average figure.

3 Q. Do you mean to tell the court that you
4 are not the one who worked out this average?

5 A. No, I am not the one who worked out that
6 average.

7 Q. How can you say it is correct then, and
8 use it?

9 A I can only assume that within a group of
10 companies the information provided from one to the other,
11 which we depend on every day, is normally correct and
12 true.

13 Q. Then would you tell the Commission how
14 much of the information that you have provided this
15 morning is strictly hearsay?

16 THE CHAIRMAN: Well, I mean about hearsay
17 there we have to make a correction, because it is a
18 company, and one man in the company can't do everything,
19 so he has to go by the records, and of course we can't
20 have everybody here.

21 MR. LANGLOIS: My lord, there is a
22 difference in this case. It is not a company record. It
23 is an average worked out.

24 THE CHAIRMAN: Yes, he said so, and he
25 also lowered his amount from 70 to 50 cents, but should
26 you wish that the figure of \$1,100.00 be checked --- we
27 intend to do so by the records of the Pilotage Authority
28 down here. It could be checked easily.

29 MR. LANGLOIS: That is exactly what I
30 had in mind, my lord. I wanted to know what ingredients



1 went into that figure, in order that we can check it.

2 THE CHAIRMAN: Yes. That is all right.

3 Q. Can you tell the Commission if the
4 average was taken of the lowest cost as regards the
5 highest pilotage cost for any ship? Can you tell the
6 Commission if it is the way the average was worked out?

7 A. No, I cannot.

8 Q. Would you, Mr. Connolly, tell the
9 Commission as to whether or not this average of \$1,100.00
10 represented pilotage both in and out?

11 A. It does represent pilotage in and out.

12 Q In and out?

13 A. Right.

14 Q. And it includes also, I take it, deten-
15 tion charges?

16 A. That is correct.

17 Q. It also includes boat charges?

18 A. Correct.

19 Q. It would include expenses also for the
20 pilots?

21 A. Yes.

22 Q. Would you tell the Commission as to
23 whether or not Sunek is one of the larger ships calling
24 at your port Kitimat?

25 A. That is correct.

26 Q. On Exhibit A of your brief you give the
27 total pilotage paid for the Sunek on a trip of the
28 22nd, and the figure there is \$1,178.44 for in and out
29 pilotage dues.

30 Now, what is the smallest ship that you



1 use in this port?

2 A. The smallest ship that enters the port
3 is probably about 4,000 tons, and a cargo bringing in a
4 cargo of about 3,800 tons.

5 Q. What would be the average pilotage cost
6 for a ship of that size?

7 A. That I am not qualified to say. That
8 would be included in the overall average that the
9 \$1,100.00 had reference to.

10 Q. What is the percentage of these smaller
11 ships that use the port of Kitimat?

12 A. There are five, I believe.

13 Q. Five?

14 A. Yes -- 72, making one voyage a year. That
15 is fairly close to the situation.

16 Q. On Exhibit C of your brief you give the
17 total pilotage costs of the Sunpalermo. Would you say
18 that the Sunpalermo is the average size ship using your
19 Kitimat port? She is an 8,800-ton gross vessel.

20 A. I believe I would sooner have Mr. Burke
21 answer this question. I am not familiar enough with
22 the names of these vessels to quickly average their
23 tonnage in my own mind.

24 Q. The Sunpalermo has a gross tonnage of
25 8,677 tons as shown in your brief?

26 A. Yes.

27 Q. Is that the average size of ship used
28 in Kitimat?

29 A. I don't know the balance of the ships to
30 be able to make that comparison and I can't do that in my



1 mind, and I am not familiar to do that in the time to
2 give you that answer.

3 Q. Could you provide that at a later stage?

4 A. Yes.

5 MR. LANGLOIS: I wish to draw the
6 attention of the Commission to Exhibit C, that the total
7 cost of pilotage for the Sunpalermo in and out was only
8 \$708.00, which is much lower than the average used.

9 Q. Now, again dealing with your Exhibit
10 140, you state in the centre of this exhibit, and I will
11 read it: "Some of this incoming material entered into
12 the 94,059 deep-sea outgoing product." What do you mean
13 by "some"?

14 A. At the top of the page there is a total
15 tonnage in of 386,177 tons. That would have been
16 expended over 175,000 tons of output product. The
17 portion then that would go to the 94,000 tons of actual
18 product shipped out is then in the ratio of that tonnage
19 to the total tonnage against the balance of the pilotage
20 which was incurred on the total tonnage of 386,177
21 inward tonnage.

22 Q. Would you tell the Commission how you
23 arrived at the figure of 175,000?

24 A. 175,000 is the recorded output of the
25 Kitimat works plant, aluminum products, in 1962.

26 Q. Was all this production shipped out?

27 A. Very closely. I could check that figure.
28 I am almost certain that it has been totally shipped.

29 Q. Correct me if I am wrong, but I take it
30 of the 72 vessels used, 46 of them were operated by



1 Saguenay Shipping. Is that a fact?

2 A. No.

3 Q. Or I should say in charter to Saguenay
4 Shipping?

5 A. Not necessarily, no.

6 Q. How many of the 72 ships would be liners
7 calling at your port for part-cargoes?

8 A. Practically all the 46.

9 Q. How many of those 46 ships will come in
10 to Kitimat with cargo in transit on board?

11 A. I would have to guess at that. We don't
12 keep a record of in transit cargo.

13 Q. Give your approximation, guess, or what-
14 ever you call it.

15 MR. BIRD: I think the witness has
16 said he is not able to guess.

17 MR. LANGLOIS: He said he would have to
18 guess.

19 THE WITNESS: I don't think the guess
20 would be meaningful. I would have to take 46 vessels
21 and make a violent guess as to how much cargo they had
22 in them when they hit our wharf, and I don't think that
23 is reasonable.

24 Q. Is it not a fact that if a ship goes into
25 Kitimat with cargo on board she will have a deeper
26 draught and that you will pay higher pilotage dues on
27 account of that for cargo which doesn't belong to you?

28 A. Yes.

29 THE CHAIRMAN: That I don't understand.
30 How could they pay, because it is the ship that pays?



1 MR. LANGLOIS: I am speaking of their
2 own ships.

3 Q. Mr. Connolly, have you worked out your
4 own costs of pilotage for your own ships?

5 A. No, I have not.

6 Q. Is it not a fact that if you had taken
7 your own vessels and if you had taken into account the
8 volume of cargo carried inbound by your ships and the
9 volume of cargo carried outbound by those ships on the
10 same trip your 70 cents would be reduced quite considerably?

11 A. No, I don't believe that, and it is not
12 so, for the reason that only four Saguenay vessels
13 carried aluminum out of Kitimat in 1962, and all other
14 vessels were liners.

15 Q. Would you mind making a calculation and
16 giving us the figures on that?

17 A. That has already been done.

18 MR. BIRD: It has already been done,
19 my lord. I am just waiting for a convenient time for
20 the witness to produce it. Mr. Hayes has extracted from
21 his record the quantity of cargo carried inbound on
22 vessels listed in Exhibit 138.

23 THE CHAIRMAN: You say it is now listed
24 in Exhibit 138.

25 MR. BIRD: I can ask the witness to
26 transpose the figures on my copy to Exhibit 138, and
27 perhaps the witness could give the name of the ship with
28 the tonnage and type of cargo carried inbound.

29 Would you do that, please, Mr. Connolly?
30 You are looking at page 5 of Exhibit 138 now. Would you



1 read the name of the vessel and give the tonnage on those
2 ships with inbound cargo?

3 THE WITNESS: The first vessel is the
4 Sunrip, which brought in 13,469 tons of alumina. The
5 second, similarly the Sunrip, brought in a composite
6 cargo of alumina, fluoride and carbon blocks.

7 MR. BIRD: The total of the tonnage
8 carried inbound on that ship was what?

9 THE WITNESS: 13,591 tons.

10 MR. BIRD: These are short tons that we
11 are dealing with, are they?

12 THE WITNESS: These are short tons, yes.

13 MR. BIRD: That was the second ship.
14 What was the next one?

15 THE WITNESS: The next one would be the
16 Sunkaren with a cargo of 12,641 tons of alumina.

17 MR. BIRD: And the third one?

18 THE WITNESS: The third one is again the
19 Sunrip with a composite cargo of alumina, fluoride and
20 carbon blocks totalling 7,014.8 tons. I am sorry, that
21 is wrong.

22 MR. BIRD: That figure of 7,014.8 is
23 wrong and you are calculating what the actual tonnage
24 carried inbound was. What was the actual tonnage carried
25 inbound on the ship Sunrip on that occasion?

26 THE WITNESS: 10,326.7 tons.

27 MR. BIRD: Would you put opposite these
28 vessels on Exhibit 138 the figures which you have just
29 given to the Commission. You have the other list there,
30 too, witness, have you?



1 THE WITNESS: Yes.

2 MR. BIRD: Mr. Langlois will be
3 interested in these, These were the ones appearing on
4 Exhibit 139.

5 Would you now give for the record the
6 inward cargo carried on the ships listed in Exhibit 139?

7 THE WITNESS: On the list marked Exhibit
8 139, the first ship involved is the Sunriver in June,
9 1959, carrying 13,626 tons of alumina. The second ship
10 is the Sunrip, November, 1959, carrying 13,540 tons of
11 alumina. The third ship involved is the Sunriver,
12 October, 1960, total of 13,467.5 tons of alumina. The
13 last ship is the Sungate, carrying 4,683 tons of mixed
14 cargo.

15 Q. In the case of a light ship coming into
16 Kitimat with a load of alumina, who would normally pay
17 the pilotage dues?

18 A. Normally the pilotage dues would be paid
19 by Saguenay Shipping.

20 Q. Even if the ship is coming in with part-
21 cargo?

22 A. It is probable that the pilotage dues
23 for the light ship would be paid by the ship operator,
24 on the vessel coming into Kitimat.

25 Q. And in some cases the ship operator is
26 Saguenay Shipping and in other cases it is another
27 operator?

28 A. That is correct.

29 Q. Now, you mentioned your world sales this
30 morning. Would you tell the Commission what percentage



1 of sales are made f.o.b. Kitimat?

2 MR. BIRD: I assume that Mr. Langlois
3 is referring to sales going outward by sea?

4 MR. LANGLOIS: That is right, yes.

5 A. I would say it would be a very small
6 percentage.

7 Q. A very small percentage of your sales
8 are f.o.b. Kitimat port?

9 A. Yes.

10 Q. Does that include the sales made to what
11 you term back street addresses in Hong Kong?

12 A. Yes.

13 Q. So the big volume of your sales are made
14 f.o.b. destination?

15 A. That is correct.

16 Q. And when you quote a price on the world
17 market you include the cost of transportation in your
18 price?

19 A. Yes.

20 Q. Is it not a fact that the cost of trans-
21 portation, which includes --- and I assume that the
22 cost of pilotage is passed on to the consumer?

23 A. It is passed on to the consumer where we
24 actually make a sale. I have no knowledge of the sales
25 we missed because our price is unacceptable.

26 Q. You have not missed much in 1962. I see
27 your sales have gone up quite a bit?

28 A. It is still on the Canadian dollar.

29 Q. But sales have increased?

30 A. Sales have increased, yes.



1 Q. Can you tell the Commission how much the
2 average ship using Kitimat costs per day to operate?

3 MR. JACQUES: Before you answer that
4 question, I would like to get this clear. Are you with
5 Saguenay Shipping or the Aluminum Company of Canada?

6 THE WITNESS: I am with the Aluminum
7 Company of Canada.

8 MR. JACQUES: Are you operating ships?

9 THE WITNESS: No.

10 MR. LANGLOIS: He has been giving evidence
11 on that also, and he is a very versatile witness.

12 MR. BIRD: I don't think that is a proper
13 remark. This witness is not concerned with ship opera-
14 tion, and that varies to a very large extent in all
15 countries.

16 THE CHAIRMAN: If he is aware of the
17 fact, that is all right. If he is not aware of the
18 fact, he has only to say so.

19 MR. LANGLOIS: If the witness is not
20 involved in ship operation, how is it he is the witness
21 who gave the class of cargoes, and so on?

22 THE CHAIRMAN: Perhaps he is the one who
23 prepare the brief and gathered the information.

24 MR. JACQUES: Mr. Burke may be the one
25 to better answer your question.

26 MR. LANGLOIS: Thank you. I will ask Mr.
27 Burke when the next time comes.

28 Q. Do you know the cost?

29 A. No. I can only say from general know-
30 ledge of what ship demurrages are.



1 Q. Are you familiar with the charter between
2 your company and the owners of the ship that you use
3 at Kitimat?

4 A. No.

5 Q. Who would have this information?

6 A. Mr. Burke.

7 Q. Do you know if they provide for despatch
8 money in the case of quick turnaround of the ship?

9 A. Generally with Saguenay Shipping vessels
10 and with bulk cargo they do.

11 Q. Would this not be the explanation why
12 you are paying so much in detention charges, that you
13 want to keep the pilot at Kitimat in order to sail on
14 despatch money?

15 A. This would never occur to me. Our
16 purpose in a one-berth dock is to get every vessel out
17 there as fast as possible, and the pilots develop a
18 formula based on flying them out or keeping them in
19 hotels at Kitimat.

20 Q. I see on Exhibit 135 that pilots have
21 been detained at Kitimat up to seven days. There must
22 be a purpose to that. Are you able to explain that?

23 A. No, I couldn't specifically explain it.

24 Q. I take it that you have nothing to do
25 with the operation of ships; it is only the safety of
26 the vessel. Is that not what you said this morning?

27 A. When I say "we" in that case I am also
28 talking of we as a company, which includes Saguenay
29 Shipping.
30



1 Q. You are concerned with the safety of
2 shipping?

3 A. Yes.

4 Q. Not only of your own ships, but all
5 other ships using Kitimat also?

6 A. That is right.

7 Q. Would you explain to the Commission what
8 you meant this morning when you said a calculated risk?

9 A. By calculated risk we mean the economic
10 view of any situation which leads to a profit, or a
11 loss, basing your judgment on all the accumulated
12 factors which could lead to a profit or a loss, and
13 making a reasonable judgment on the facts available to
14 you that you will make a profit under a given set of
15 circumstances.

16 Q. Since you made that statement in
17 connection with the question as to whether or not your
18 ships could be dispensed from pilotage dues, am I to
19 assume that you think that there is a risk in sending
20 a ship up to Kitimat without a pilot, or at least there
21 is some element of risk in doing so?

22 A. Yes, I would certainly say there was.

23 MR. LANGLOIS: My lord, I have some
24 other questions resulting from the examination in chief,
25 but since they have to do with ship operation and
26 chartering, and since the witness has just told us that
27 he has very little, if anything, to do with the ship
28 operation, I would continue this part of my examination
29 when Mr. Burke or another witness who knows about ship
30 operating is on the stand.



1 COMMISSIONER SMITH: There are two or
2 three questions I would like to ask this witness, if
3 your lordship please?

4 THE CHAIRMAN: Go ahead, please.

5 COMMISSIONER SMITH: Mr. Connolly, your
6 company built Kitimat about ten years ago, is that it?

7 THE WITNESS: Correct.

8 COMMISSIONER SMITH: And you were aware
9 at that time, of course, that there was a pilotage
10 District, and that you were in it?

11 THE WITNESS: Correct.

12 COMMISSIONER SMITH: And you were aware
13 too, I take it from the brief, somewhere in the brief
14 it mentions a discussion that was held in Vancouver
15 where the question of two pilots was mentioned and
16 discussed at that time?

17 THE WITNESS: Correct.

18 COMMISSIONER SMITH: And you were aware
19 of the policy of the pilotage District in regard to the
20 carrying of two pilots in certain of the restricted and
21 confined and dangerous waters, so that you knew as much
22 then as you know now about the District and the impost
23 of pilotage that would affect your company. You
24 correct me if I am misstating anything.

25 THE WITNESS: Yes.

26 COMMISSIONER SMITH: Your answer is yes?

27 THE WITNESS: Generally, yes.

28 MR. JACQUES: I have a few questions,
29 my lord, which I might put to the witness before lunch.

30 MR. LANGLOIS: Excuse me, my lord.



1 I don't want to ask any more questions at this stage,
2 but since my learned friend has brought in a witness to
3 support the brief, I would like to know if we have
4 somebody who is ready to take a general responsibility
5 for that brief, so that we could ask him to clarify
6 certain parts of the brief. Is that Mr. Burke who is
7 taking that responsibility?

8 MR.BIRD: Well, you could put your
9 questions, I should think, Mr. Langlois, to anyone. We
10 have no leading light necessarily. Perhaps if you
11 could ask this witness any particular question that you
12 may wish to so far as any particular part of the brief
13 is concerned, if he can answer it I am sure he will,
14 but if he can't, then we can get somebody else.

15 MR. LANGLOIS: What I had in mind, my
16 lord, is that this witness is from the locality of
17 Kitimat, and will not be available in Vancouver. I just
18 want to know if there will be somebody in Vancouver
19 responsible for the brief and to answer questions.

20 THE CHAIRMAN: You could ascertain from
21 Mr. Bird if he will have somebody there, and if not, you
22 could ask those questions of people here.

23 MR. BIRD: If I know what they are ----

24 MR. LANGLOIS: They deal with your whole
25 brief.

26 THE CHAIRMAN: If not, then you will ask
27 the questions of the witnesses that are here, and then
28 if Mr. Bird sees that they can't answer it, he could
29 provide then the necessary witness.

30 MR. JACQUES: The Commission, according



1 to its terms of reference, has been appointed to inquire
2 and report on pilotage matters, and in so reporting must
3 take into account the safety of navigation and the
4 development of shipping and commerce. Now, what I
5 should like to obtain from you is clarification of what
6 has been said this morning.

7
8 CROSS-EXAMINED BY MR. JACQUES:
9

10 Q. I realize that some sales may be f.o.b.
11 Kitimat, or may be c.i.f. Tokyo. I don't know. Some
12 of the charters may provide that pilotage fees may be
13 paid by the owner, or the charterer, or the sub-charterer.
14 I can't say, but would you be in a position to say to
15 the Commission whether or not the cost of transportation
16 from Kitimat to any place in the world is an important
17 factor in selling your merchandise, whether this price
18 is paid by the purchaser or by the seller?

19 A. I would certainly subscribe to that.
20 The freight bill that we carry along with our product is
21 a terrific sum, and the sum that we are using computers
22 on to try to devise the cheapest routes and the most
23 economic routes the world around.

24 Q. Now, referring you to Exhibit 140, which
25 purports to give the pilotage cost per ton, you arrive
26 at a figure of 70 cents, and I note from this document
27 that you have not taken into account apparently I must
28 say, the fact that some of these cargoes may have
29 been bound for Kitimat. Or have you taken that into
30 account, because I don't think it would be fair to place



1 the pilotage cost on only outgoing cargo, both fees
2 coming in and going out?

3 A. That is true, and that is why I quali-
4 fied my original statement with the knowledge of the
5 four vessels that did carry incoming cargo, and the
6 reason I explained that this was an average computation
7 was the fact that if I included the four, it would end
8 up with, as it sits here right now, it does include
9 pilotage for four vessels both in and out that really
10 came in and paid pilotage and go out and pay pilotage,
11 but I would end up with a computation where I started
12 off with a total of 72 vessels with a net ---- then to
13 make my computations of only 68 vessels. The two would
14 look very awkward, and as I went into this thing I
15 decided that we would so confuse the court that I would
16 leave it stand as it was, and qualify the answer, for
17 the simple reason that what you lose on the round-
18 abouts, you gain on the swings, because the two ratios
19 almost cancel each other out on this item we are
20 talking about.

21 Q. Would this figure of 70 cents be
22 accurate enough to use as a basis on business trans-
23 actions, or would you work out a more accurate figure?

24 A. I would tend to work out a more
25 accurate figure.

26 Q. Do you expect that this more accurate
27 figure would be higher or lower than the 70 cents?

28 A. I would expect that it would be very
29 close to the 70 cents.

30 Q. Are you in a position to say whether



1 since Kitimat has been in operation it has been usual
2 for vessels to come in with a partial load?

3 A. To come in with a partial load?

4 Q. Yes, already partly loaded?

5 A. Generally our own Saguenay-owned vessels
6 come in with an empty ship. The foreign-owned vessels
7 I can't state.

8 MR. LANGLOIS: What about the liners?
9 Don't they as a rule come in with a partial load? Is
10 it not a fact they come into Kitimat to top up only?

11 THE WITNESS: Pretty usually, yes.

12 MR. LANGLOIS: Yes, they do, yes?

13 THE WITNESS: Pretty reasonably, yes.
14

15 RE-EXAMINATION BY MR. BIRD:
16

17 Q. I have one or two questions arising out
18 of Mr. Smith's questions, my lord.

19 You will recall that Mr. Smith was
20 asking you what you were aware of when you went into
21 Kitimat and when you started this development and as it
22 progressed. Now, did you expect that your pilotage cost
23 would increase as a result of amendments to the bylaws
24 such as we have heard about?

25 A. No.

26 Q. I refer particularly to the change from
27 twelve hours to eight hours for continuous duty for
28 pilots, which was made, I believe, in 1957. Were you
29 aware of that development before it happened?

30 A. No.



1 Q. And the change to calendar day?

2 A. No.

3 Q. And the detention costs. Were you
4 aware of those?

5 A. Yes.

6 COMMISSIONER SMITH: Would those changes
7 that Mr. Bird has mentioned involve very much money,
8 the difference between the old rates and the new ones?

9 THE WITNESS: There is a variation of
10 the 70 that we are talking about at the moment
11 involved to some extent, but I cannot put my finger on
12 it specifically, but as I mentioned earlier, we are
13 worried about every cent that goes into every bit of
14 our cost.

15 COMMISSIONER SMITH: Yes, I know, but
16 that is not what I asked. Do you know the difference
17 in money, offhand can you give me some approximation,
18 some idea? Does it amount to much, or not so much?

19 THE WITNESS: This is between the old-
20 time basis at twelve hours, as against the newer of
21 eight?

22 COMMISSIONER SMITH: Yes?

23 THE WITNESS: I am sorry, I can't answer
24 that at the moment.

25 MR. BIRD: I would like to pursue that
26 for one moment, Mr. Smith and my lord. The reduction
27 of continuous duty for pilots from twelve to eight
28 hours made it necessary for you to take a second pilot,
29 didn't it, on those fast ships?

30 MR. LANGLOIS: That is a leading question.



1 MR. BIRD: I agree, but of course I am
2 following my friend's example.

3 MR. JACQUES: That is what I was going
4 to say. Everyone has sinned in that respect.

5 MR. LANGLOIS: Don't you ever?

6 THE CHAIRMAN: I don't know any lawyer
7 that never tries it.

8 MR. JACQUES: Never with my own
9 witnesses, sir.

10 Q. Do you have the brief in front of you
11 there, Mr. Connolly?

12 A. No, I am afraid I haven't.

13 Q. Well, I show you Exhibit A in the
14 brief, and draw your attention to the cost of two
15 pilots, and the cost of one pilot in and out in the
16 lower, or the third paragraph, if we can describe the
17 paragraphs, and you will observe --- well, what does
18 one pilot cost if you had one?

19 A. One pilot would have been \$743.36.

20 Q. And two pilots in and out?

21 A. Two pilots in and out, \$1,178.44.

22 Q. If we assume that the vessel, or most
23 vessels could have made the voyage inward and outward
24 in, say, ten hours, or even say eleven hours, on the
25 bylaws which existed up to 1957, how many pilots would
26 you have required?

27 A. A single pilot.

28 Q. One pilot?

29 A. Yes.

30 THE CHAIRMAN: I think we will adjourn



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Connolly, re.ex.
(Bird)

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1 until two o'clock. At two o'clock we will start with
2 the Chamber of Commerce.

3
4 ---At 12:40 p.m. the hearing was adjourned until 2:00
5 p.m.
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1
2 ---On resuming at two p.m.

3
4 MR. BIRD: My lord, so that there may be
5 no misunderstanding on the record, and in case I interpret
6 Mr. Langlois' comment incorrectly and your lordship's
7 observation, the comparison between Exhibits C and A in
8 the brief of the Aluminum Company where reference was
9 made to the total pilotage cost figure of \$1,178.44 as
10 shown in Exhibit A and the figure of \$718.49 as shown in
11 Exhibit C, the total of \$1178.00 in Exhibit A was for
12 pilotage in and out, whereas on Exhibit C the \$718.49
13 figure was for pilotage cost from Kitimat to Watson Island
14 which was not in and out.

15 THE SECRETARY: You are still under oath,
16 Mr. Connolly.

17
18 RE-EXAMINATION CONTINUED BY MR. BIRD:

19
20 Q. Mr. Connolly, can you give the Commission
21 any information you have as to the return, the percentage
22 return on the capital invested at Kitimat in, say, 1962?

23 A. The best I can say is that in Nathaniel
24 Davis', president of the company's, last published state-
25 ment he very pointedly remarked that although business was
26 good or had increased in 1962, the return on investment on
27 Aluminum Limited was very unsatisfactory.

28 Q. You have no knowledge of the figures?

29 A. No, I have not.

30 MR. BIRD: Thank you, sir.



1
2 MR. JACQUES: At this point, my lord, I
3 should like the Commission to hear the brief presented
4 on behalf of the Prince Rupert Chamber of Commerce.

5 Would Mr. Stuthert step up, please?

6
7 S U B M I S S I O N O F
8 THE CHAMBER OF COMMERCE
9 (PRINCE RUPERT)

10 APPEARANCE: Winston Stuthert

11 EXHIBIT NO. 142: Brief of the Chamber
12 of Commerce (Prince
13 Rupert).

14 WINSTON STUTHERT, sworn:

15
16 MR. JACQUES: Would you state your name,
17 please?

18 THE WITNESS: Winston Stuthert.

19 MR. JACQUES: Sir, the Chamber of Commerce
20 is not represented by counsel, and I would therefore ask
21 my learned friends to bear with perhaps faults in pro-
22 cedure, which will no doubt be permitted.

23 However, I would ask you first to sum up
24 your recommendations and also give a resume of your
25 general considerations as contained in the brief. It
26 will not be necessary for you read your brief at this
27 moment, it has been taken as read, and the Commission has
28 read it already.

29 THE WITNESS: First, my lord and gentlemen,
30 the Chamber of Commerce of Prince Rupert is not expert in



1 maritime matters, nor am I, but we do hope that some
2 of the facts and views we have presented will be helpful
3 to the Commission.

4 In summary, we are recommending that the
5 time has come to station a pilot at Prince Rupert.
6 Perhaps prior to 1962, this could not have been justified.
7 However, we believe that there is enough shipping here
8 now to justify such a move.

9 We are also recommending that the pilot
10 boat be stationed at Prince Rupert.

11 I believe you will have noted from the
12 brief that there is evident increase in shipping between
13 here and the Orient, and this is a logical port for
14 export to the Orient.

15 THE CHAIRMAN: From what I have gathered
16 from your brief, it is a shorter route to Canada, and
17 you said in your brief that the freight rates are the
18 same from here as from Vancouver.

19 THE WITNESS: Yes. It is our understanding
20 that the rail freight rates to points east of Winnipeg
21 would be the same if they came through Prince Rupert,
22 through Vancouver or through Seattle.

23 THE CHAIRMAN: Are they ocean-going
24 vessels coming from Japan, for instance, which means one
25 day less sailing time?

26 THE WITNESS: I understand it is one day
27 less each way.

28 You will have noted that lumber is being
29 exported to Japan, and this started about a year ago.
30 Logs are being exported to Japan, and this started a year



1 ago. I understand that a formal review of this pilotage
2 situation as far as Prince Rupert was concerned was
3 made about two years ago, and certainly at that time I
4 could understand that there wouldn't be justification
5 for a pilot here.

6 THE CHAIRMAN: Is wheat coming out of here
7 for China?

8 THE WITNESS: There has been a considerable
9 shipment of grain, I believe it is mostly barley ---
10 at any rate, grain --- to China.

11 We believe in our brief that we have been
12 able to point out that the number of days of pilots'
13 time required when a pilot is stationed in Vancouver for
14 ships which enter and leave the port of Prince Rupert
15 are actually in excess, certainly in excess of the number
16 of working days a man would normally work in a year.

17 In the supporting data on the number of ---
18 I think it was referred to this morning as the voyages
19 in and out of Prince Rupert, we attempted to indicate
20 which ships are coming in from deep-sea and leaving by
21 deep-sea, and we had hoped to get better confirmation
22 on the numbers involved in some of these. However, in
23 the time we had available we were not able to do so.
24 I would submit that some of the remarks contained in the
25 page following page 7 --- it is numbered page 8 --- that
26 some of those remarks would have to be checked and
27 verified. This could best be done, if the Commission
28 were so inclined, by contacting the shipping companies
29 or agents named. Certainly in the case of item 5 there,
30



1 I would point out that I believe this to be an error
2 where they said they are from deep-sea to deep-sea. I
3 understand now that most of these come in from the
4 south.

5 THE CHAIRMAN: From the south or going to
6 the south?

7 THE WITNESS: No, in item 5 I am quite sure
8 that they all leave here, virtually all of them leave
9 here and go directly to Japan from here.

10 THE CHAIRMAN: From south to deep-sea.

11 THE WITNESS: Yes. In addition to the
12 information contained in the brief, we have a summary
13 concerning ships which came in and out of Prince Rupert
14 during 1962, and this was obtained by checking with the
15 local harbourmaster. You can see that of 52 ships which
16 entered the harbour at Prince Rupert last year, 33 of
17 them were from deep-sea and departed to deep-sea.

18 THE CHAIRMAN: I see that you have six more
19 ships than Exhibit 131. Capt. Eddy will check this, but
20 I think he said there may be other ones.

21 MR. JACQUES: My lord, we will file this
22 document which has just been handed to the Commission as
23 No. 141.

24
25 ---EXHIBIT NO. 141: List of deep-sea ships
26 entering and leaving Prince
27 Rupert during 1962.

28 THE WITNESS: Again, on page 8, item number
29 9, it is worthy to note the number of additional ships
30 which are expected in 1964 and beyond from the fairly



1 large iron ore operation which will be commencing on the
2 west coast of the Queen Charlotte Islands.

3 In connection with that, item 4, which is
4 also a movement of iron ore to Japan, the Chamber is
5 not certain of the situation with regard to clearing
6 customs as it will be in the future. This kind of
7 operation has only been in effect for a few months, and
8 the ships have cleared customs in Prince Rupert and then
9 picked up the iron ore on the Queen Charlotte Islands
10 and then cleared customs again in Prince Rupert and then
11 left for Japan. We certainly can't suggest that in the
12 case of iron ore in item 9 that this will be a continuing
13 practice. It may well be that some other arrangement
14 will have to be made with regard to customs clearance,
15 but we have no information on that.

16 MR. JACQUES: So this would work as a
17 reduction in volume of traffic which you would expect in
18 1964 and 1965, if there was a clearing of ships through
19 Prince Rupert?

20 THE WITNESS: I would understand that these
21 ships rather than following --- if a pilot was stationed
22 at Prince Rupert he would be required to go in and clear
23 the ships out of Jedway and Tasu. It would not require
24 a pilot serving the ship three times, as is now the
25 case, into Prince Rupert and out, into the iron ore
26 plant and out and into Prince Rupert again.

27 COMMISSIONER SMITH: Has your Chamber made
28 representations to have that customs improved?

29 THE WITNESS: I am not aware that the
30 Chamber has. The president of the Chamber is here, Mr.



1 Neil MacDonald. I am not aware that anything has been
2 done by the Chamber.

3 COMMISSIONER RENWICK: Could I ask the
4 witness, my lord, as to item number 1, the movement of
5 logs to Japan. Has that pattern been established in
6 1963, that there will be that continuing movement of
7 twelve ships?

8 THE WITNESS: It is my understanding that
9 that is so. We would actually expect it to increase,
10 although they have not predicted an increase. The
11 information was obtained by direct contact with the
12 shipping lines and agents, with the exception of number
13 3, Ataka Trading Company, and the information was
14 obtained from the Prince Rupert sawmills, because lumber
15 is involved in the loading to Ataka.

16 THE CHAIRMAN: I see you are speaking for
17 1963. We are pretty sure that our report will not be
18 ready for the end of 1963, so we may have those figures
19 in early January, 1964, and that might apply also for
20 1964 and 1965. We will make a note of that and try to
21 have the information. I suppose you are going to keep
22 a record of that, for 1963, so you could send it to us at
23 the end of the year.

24 THE WITNESS: We would be very pleased to,
25 my lord.

26
27 DIRECT EXAMINATION BY MR. JACQUES:

28 Q. The estimated figure which is given on
29 page 8 of your brief, does it cover Watson Island and
30 Prince Rupert, or only Prince Rupert?



1 A. It includes Watson Island, which is
2 considered to be a part of the harbour of Prince Rupert.

3 Q. Now, in your idea would the pilot who would
4 be stationed here cover any other place than Prince
5 Rupert and Watson Island? Is it intended by you that
6 he should, for instance, take traffic in and out of
7 Kitimat?

8 A. We believe this should be possible if
9 there is no ship in the offing for Prince Rupert, just
10 to keep this pilot busy, that he would be available to
11 take ships in and out of Kitimat; and also in and out of
12 Stewart where we would expect shipping to become a
13 major item within another two years.

14 Q. On page 9 you give data or estimates of
15 deep-sea ships entering other north coast ports. Would
16 that be ports which your pilot would be called upon to
17 cover?

18 A. We believe this could be a practical
19 arrangement, but we would certainly defer to others on
20 a specific proposal. We don't feel we are sufficiently
21 experienced.

22 Q. What about transportation from Prince
23 Rupert to any of these places mentioned on page 9?

24 A. There is good charter aircraft service
25 available from Prince Rupert to any of these other ports,
26 both amphibian and land planes.

27 Q. Would there be any objection on the part
28 of the Chamber of Commerce if your pilot stationed here
29 were a part-time pilot, that he could be employed gain-
30 fully elsewhere?



1 A. I don't think the Chamber would have any
2 objection to that whatsoever.

3 Q. Do you have here in Prince Rupert men with
4 the necessary qualifications to serve as pilots in the
5 area?

6 A. I can't answer that.

7 Q. Now, I refer you to page 10 of your brief ---

8 A. Perhaps in that last question I could
9 comment to this effect.

10 Q. Surely; please do.

11 A. That the harbourmaster has brought ships
12 in on occasion when a pilot wasn't available.

13 Q. Has he been approached to find out whether
14 he would be willing to act as a pilot?

15 A. We have not approached him. We have no
16 idea what conflict of interest might be involved.

17 Q. Now, on page 10 of your brief, sir, pilots
18 fees and expenses, the figures which you state on that
19 particular page are estimates, or are they actual
20 figures?

21 A. These are estimates intended to give an
22 indication of what the saving might be in the order of
23 the magnitude of the savings if a pilot were stationed
24 at Prince Rupert.

25 I would like to suggest that even in the
26 case of a ship coming from the south, the Shinihon
27 Line, picking up a cargo in the harbour at Prince Rupert
28 and then leaving to deep-sea, there would be a saving,
29 there would be a saving of the detaining charge of
30 something in the order of \$40.00 or \$50.00 a day for two



1 or three days usually. There would be no saving of
2 other expenses in that the pilot would have to fly to
3 Vancouver or some point south to come up with the ship.

4 Q. You calculate this saving to the ship at
5 approximately \$265.00 per trip in and out?

6 A. For deep-sea to deep-sea ships.

7 Q. That is not \$265.00 per trip in and
8 \$265.00 per trip out?

9 A. No.

10 Q. That would be in and out together?

11 A. Yes.

12 MR. JACQUES: Thank you, sir.

13 THE WITNESS: I would like to add in the
14 last sentence at the bottom of that page that I believe
15 we were rather optimistic in suggesting 70 ships which
16 would be deep-sea to deep-sea. It would certainly
17 appear that this would be more like 35 to 40 for the
18 next year too. I believe there would be some saving on
19 other ships, and this has not been taken into account.
20 We believe there would be a saving of \$9,000.00 or
21 \$10,000.00, perhaps as high as \$15,000.00.

22 Q. For one year?

23 A Correct.

24 MR. BIRD: My lord, perhaps it may be as
25 well to mention at this time with respect to the
26 witness' comments about harbourmasters acting as pilots
27 that there is a provision in The Canada Shipping Act,
28 Section 602 (2) which reads as follows:

29 "No licensed pilot shall be appointed
30 to act or shall act as harbourmaster or deputy



1 harbourmaster of any public harbour, unless
2 he first surrenders his licence."

3 So I thought it advisable to bring that
4 to the Commission's attention now in case it may be over-
5 looked later on.

6
7 CROSS-EXAMINATION BY MR. BIRD:

8
9 Q. Mr. Stuthert, I think I would like you to
10 just identify this port Tasu. I show you Exhibit No.
11 124 and point out Tasu Inlet. Is that to your knowledge
12 the place that this iron mine is located in that area?

13 A. I understand it is on the west coast of
14 the Queen Charlotte Islands. I couldn't identify it.

15 Q. Perhaps somebody else can do that.

16 Do you happen to know anything about the
17 facilities for securing or making ships fast there whilst
18 they are being loaded?

19 A. No, I don't know.

20 Q. Do you know whether, owing to the possibi-
21 lity of difficulties being incurred by ships in that
22 position, any thought has been given to establishing a
23 loading place on the eastern side of the Queen Charlotte
24 Islands, about in a line with Tasu?

25 A. I haven't heard of any. Could I add a
26 comment with regard to the pilot boat?

27 Q. Surely.

28 A. We checked on the matter of whether there
29 were any shipyards in Prince Rupert would be able to
30 build a 50 or 60-foot pilot boat, and both McLean's



1 Shipyard and Wall's Shipyard indicated that they would
2 and indicated that they would be interested in bidding
3 on such a vessel.

4 Q. You mention on page 2 of your brief, in
5 Paragraph 6, that the "pilot service from Prince Rupert
6 will encourage ships to call here for smaller tonnages
7 that are presently barged to Vancouver for trans-ship-
8 ment". Can you add any information for the Commission's
9 use to support that statement?

10 A. I could make a general statement on it in
11 connection with the shipment of pulp, to this effect,
12 that there have been occasions --- and I am not prepared
13 to say how many or how much, but this information can
14 be obtained --- there have been occasions when pulp
15 has been barged to Vancouver and then trans-loaded on
16 to a ship at Vancouver because the size of load wasn't
17 sufficient to get a ship to come up. We believe that
18 anything which will make it easier, well, reduce costs,
19 and bring the ship in and out of Prince Rupert will
20 encourage shipping here.

21 Q. Now, the next sentence there: "Shipping
22 lines are concerned with the possibility of delay awaiting
23 a pilot from Vancouver." What have you in mind there?

24 A. Since in general pilots fly up from
25 Vancouver and since the airport in Vancouver is often
26 fogged in, there is always the possibility, especially
27 in the Winter, of delay, in which case the ship has to
28 wait at Triple Rock until the pilot is available.
29
30



1 CROSS-EXAMINED BY MR. LANGLOIS:

2
3 Q. Mr. Stuthert, a recommendation has been
4 made for the establishment of an additional pilotage
5 station in northern waters, besides the one already in
6 existence at Triple Island. In your estimation would
7 the establishment of such an additional pilotage station
8 help your port, or hurt your port?

9 A. I honestly don't know.

10 Q. If a ship going to Kitimat would use
11 Triple Island as a boarding station, would that help
12 your port?

13 A. I don't see how it would help our port,
14 except it might help us to get a pilot station here,
15 and we think that would help our port.

16 Q. That would help your port in this fashion,
17 that it would help you to have a pilot station here?

18 A. We think so.

19 Q. Would you be in favour of your port being
20 exempted from the payment of pilotage dues?

21 A. I think the answer to that must be yes.

22 Q. You think it would be good publicity for
23 your port if ships coming in would be exempt?

24 A. Yes, I think Freeport is a good example of
25 that.

26 Q. Well, don't you think that the shipping
27 companies might be reluctant to send a ship to a port
28 where no pilotage services are available?

29 A. I am sorry. I didn't understand you to
30 say that. I understood you to say were pilotage fees
exempted.



1 Q. But does not it follow that if ships come
2 in paying no pilotage fees that you would have no
3 pilotage services available?

4 A. I am sorry, sir. I didn't understand your
5 question correctly. I know of at least one port where
6 pilotage services are supplied at no charge to the
7 shipping companies.

8 Q. That is not what I had in mind. I meant
9 to say that ships coming in would be exempted from the
10 payment of pilotage dues, or exempt from taking a pilot --

11 MR. JACQUES: That is that there would be
12 no pilotage system at all at Prince Rupert. No dues,
13 and no pilots therefore.

14 THE WITNESS: I would say that this would
15 be undesirable.

16 Q. Would it be good publicity for your port
17 also if only a part-time pilot were available here for
18 the services of shipping using your port?

19 A. I think the important thing is that a pilot
20 should be available here.

21 Q. A part-time pilot would not necessarily
22 be a licensed pilot like they have in Vancouver, for
23 example?

24 A. I believe a qualified pilot is what we
25 want here.

26 Q. You want a qualified pilot here. Just one
27 point here, on page 11 of your brief you mention that
28 the pilots personally receive the total fees connected?

29 A. I don't think this is significant to the
30 case.



1 Q. No, it is not quite the situation either.
2 On page 4 you say in the first sentence in Paragraph 4,
3 I imagine when you use the figure of \$20,000.00 as
4 being the annual earnings of pilots in the Vancouver
5 area, you use that figure only as the basis of an
6 argument which has been advanced without having checked
7 as to whether or not this figure was accurate?

8 A. I have looked at the figures contained
9 in the Chamber of Shipping brief from Vancouver, and
10 they appear to me to be in the order of at least in the
11 fifteen to twenty thousand dollar range. Our concern
12 here was only to try to establish whether there was now
13 sufficient shipping in and out of this harbour so that
14 the pilot's earnings would to some degree approximate
15 what his earnings might be in Vancouver.

16 Q. Are you referring to the Chamber of Shipping
17 brief which was submitted when this Commission sat last
18 week in Vancouver? On page 8 of that brief, what is
19 called the take-home pay of pilots for 1962 was
20 \$14,554.00?

21 A. Of course, in this as you can see from
22 the method of calculation, we are looking at the gross
23 earnings, which in 1960 was about \$18,000.00.

24 Q. Well, gross earnings would include deten-
25 tion, that would include travelling time and so on. The
26 gross earnings at the same page of the Chamber of
27 Shipping brief for the year 1962 is \$16,171.00?

28 A. In that case it would appear that a pilot
29 here may very well earn as much as in Vancouver.

30 THE CHAIRMAN: It would help you that the



1 amount is lower?

2 THE WITNESS: That is correct, my lord.

3 MR. JACQUES: The lower the salary is, the
4 more chances you have of getting one here?

5 THE WITNESS: Yes.

6 MR. LANGLOIS: My lord, this is exactly
7 the point. The pilots have always taken the attitude
8 that if it is proven that a pilot could earn enough for
9 his keep here they would be in favour of it.

10 MR. JACQUES: One question. You were
11 asked if you think it would be to the advantage of
12 Prince Rupert if there was no pilotage at all, and you
13 said no. Now, would you say that it would be to the
14 advantage of Prince Rupert if you had a voluntary system,
15 that is pilots available but no compulsory payment of
16 dues, and no compulsory pilotage? A ship coming in would
17 be free to take a pilot or not to take one. If she
18 does not take one, she does not pay, and if she does
19 take one, she pays?

20 A. Well, sir, the Chamber didn't consider
21 that question, and I couldn't say. I don't feel
22 qualified to answer it.

23 THE CHAIRMAN: Well, this question could
24 be varied also to say that the system be exactly the
25 way it is now, with pilots coming from Vancouver the
26 way they are now, and ships could be free to take them
27 and pay or not. It could be voluntary to that extent.
28 In other words, would it be safe to let ships come in
29 without pilots here?

30 A. Well, my lord, I don't know. I understand



1 one ship that tried it last year didn't make it .

2 THE CHAIRMAN: That is your experience
3 here? You have seen that? That is a fact that you have
4 seen?

5 MR. JACQUES: Would you now file your
6 brief, sir?

7 THE SECRETARY: Exhibit No. 142 will be
8 the brief of the Chamber of Commerce of Prince Rupert.

9
10 ---EXHIBIT NO. 142: Brief of Chamber of Commerce
11 of Prince Rupert.

12
13 THE WITNESS: Can I mention at this point
14 that the City of Prince Rupert endorses this brief that
15 has been submitted by the Chamber, and I believe Mr.
16 Nadeau has a letter from the City Administrator support-
17 ing this brief.

18 This letter was addressed to Mr. Nadeau:
19 "The City of Prince Rupert has been consulted during
20 the preparation of the brief submitted to your Commission
21 by the Chamber of Commerce (Prince Rupert).

22 " The Council of the City of Prince Rupert
23 have asked me to inform the Commission that the brief
24 has the complete endorsation of the City. The City would
25 also ask that if it appears desirable they be granted
26 permission to make representation in support of the
27 brief at the time of the hearing." Signed Yours
28 truly, Scott McLaren, City Administrator.

29 MR. JACQUES: And I understand that you
30 are appearing before the Commission in a dual capacity,



1 as member of the Chamber of Commerce, and also as a
2 member of the Town Council. Is that right?

3 A. No, sir.

4
5 ---EXHIBIT NO. 143: Letter dated March 5th,
6 1963.

7
8 THE WITNESS: I believe there is one
9 other point that I would like to particularly draw
10 attention to, and that is on page 5 of our brief, item
11 5. We understand that in previous consideration of
12 this problem of locating a pilot at Prince Rupert there
13 has been talk of establishing a local authority here,
14 and it is our understanding in the Chamber that this
15 would increase costs considerably for ships calling here
16 and at a southern B.C. port, and this is why we
17 recommend that the pilot station here remain a member
18 of the Vancouver local District of the B.C. Pilotage
19 Authority. Again, we are not very familiar with this
20 field, but we feel that this is a point that should be
21 considered.

22 THE CHAIRMAN: Well, thank you very much.

23 MR. JACQUES: Thank you very much, sir,
24 and as your editorial mentioned in last night's news-
25 paper, the Commission will give its utmost consideration
26 to your brief.

27 THE WITNESS: Thank you, my lord.

28 MR. JACQUES: I would now call upon Mr.
29 Nickerson to present the brief on behalf of the G.W.
30 Nickerson Company Limited.



SUBMISSION OF
THE G.W. NICKERSON COMPANY LIMITED

APPEARANCES: Mr. G.W. Nickerson

GEORGE WATSON NICKERSON, sworn:

DIRECT EXAMINATION BY MR. JACQUES:

Q. What is your name and address, sir, please?

A. George Watson Nickerson.

Q. May I ask you your age, sir?

A. Isn't that a personal question?

Q. Well, we ask that of all witnesses.

A. All right. Eighty-three.

Q. And I understand that you are appearing
on behalf of the G.W. Nickerson Company Limited?

A. That is the idea.

Q. What business does this company do here
in Prince Rupert?

A. Well, we are shipping agents.

Q. For what sort of ships do you work?

A. For any ships, but ocean mostly.

Q. How long has this company been in
operation?

A. Since 1909.

Q. Are you the President of this company?

A. Yes.

Q. And I presume the major shareholder also?



1 A. Yes.

2 Q. What do you have to say as regards pilotage
3 in Prince Rupert, sir?

4 A. Well, it is covered in the brief. I might
5 say as a start that the boats going to Jedway are not
6 taking pilots any more. They are doing their own pilo-
7 tage, and they save the boat hire and the travelling
8 expenses.

9 Q. I understand you to say that the ships
10 leaving Rupert for Jedway are not taking pilots?

11 A. Not anymore. They still come in here for
12 Customs, both going and coming, but they are not taking
13 any pilot.

14 MR. LANGLOIS: Since when are they not
15 taking pilots?

16 THE WITNESS: The boat coming in here on
17 Wednesday.

18 MR. LANGLOIS: Starting now?

19 THE WITNESS: Yes, they have been there long
20 enough that they believe they are quite capable of
21 handling the route without a pilot.

22 Q. Would you be in favour of having a
23 resident pilot stationed in Prince Rupert?

24 A. No, because it is going to cost Prince
25 Rupert money.

26 Q. To the City or to the shipowners?

27 A. Whoever pays the pilotage fees.

28 Q. And I notice, sir, that in your brief you
29 seem to recommend that pilots be brought under The
30 Civil Service Act? Would you care to comment on that,
please?



1 A. Well, it is not so much bringing them
2 under The Civil Service, but I believe that the charge
3 for pilotage should be the same at every port, as it
4 is for Customs, and other things. I mean to say, it
5 should come out of the overall fund, and each port
6 should be treated the same. For instance, the Agricultural
7 Department sends up an inspector here when boats
8 come, but we don't have to pay any charges. It is
9 absorbed by the Department.

10 Q And I note in your brief also that your
11 contention is that the fact that the pilots are coming
12 from Vancouver has not caused any delay to shipping
13 here?

14 A. Only on two occasions. One was the
15 telegram sent to Capt. Koughan, which didn't arrive.
16 The other one was when this plane, instead of landing
17 at Prince Rupert, had to go to Smithers, and he couldn't
18 get here in time to take the ship. However, as the
19 coast was fog-bound, there was no loss. However, if
20 the pilot had wired his Vancouver office that he was
21 held up at Smithers, I think they could have telegraphed
22 Capt. Koughan and he would have taken the ship in as
23 soon as the fog lifted. I think the Pilot Board should
24 be given authority to hire Capt. Koughan if the pilot
25 can't get here.

26 Q. Who is Capt. Koughan?

27 A. The Harbourmaster.

28 Q. The Harbourmaster here, so I take it that
29 you are generally satisfied with the existing situation?

30 A. Yes, now that there is a plane service.



1 When they had to come by boat they took too long, but
2 now there is a plane service Prince Rupert is not
3 suffering too much. I don't know who they propose is
4 going to pay this extra money if we have a pilot here.

5 Q. Well, I have a vague idea that shipping
6 wants the pilots to pay, and the pilots want shipping
7 to pay.

8 A. It costs now about \$230.00 more to bring
9 a pilot here and to take him back. As a matter of fact,
10 I have one in there. Launch-hire, \$60.00 here is
11 \$10.00 in Vancouver. Expenses \$68.07, making a total
12 of \$201.83 on an inward trip. Outward the launch here
13 is still sixty. Expenses \$160.00, for a total of
14 \$220.00. In other words, it is about \$401.00 for the
15 whole thing. Now, in Vancouver if the pilotage rates
16 were the same we would save this launch hire and the
17 expenses; otherwise we would pay the same as Vancouver.

18 Q. Would that represent a substantial
19 saving?

20 A. Well, that would represent a saving of
21 the launch hire and the expenses, say, about \$220.00.
22 That is what we are penalized over Vancouver. Now, we
23 used to be penalized a great deal more, about \$400.00,
24 but after a lot of correspondence we got them to give
25 us the same rate for tonnage and draught as Vancouver,
26 but we still had to pay the full boat hire. After
27 further correspondence we were able to get the boat
28 hire split. In other words, the Government pays half
29 of it.

30 Q. And whoever uses the ship pays the other
half?



1 A. That is correct.

2 Q. Now, sir, would you file your brief as
3 an exhibit?

4 THE SECRETARY: The brief of the G.W.
5 Nickerson Company Limited will be Exhibit 144.

6
7 ---EXHIBIT NO. 144: Brief of the G.W.Nickerson
8 Company Limited.

9
10 Q. Have you any other comment which you
11 would like to make to the Commission, sir?

12 A. Well, so far as the logs, there is going
13 to be more logs from Port Simpson, and the ships will
14 have to go up there loaded. Now, I don't know what
15 they are going to do about Customs, whether the men will
16 have to fly over there, or whether they will make the
17 ships come in here. It doesn't seem fair that these
18 ships should have to come in here and anchor to clear,
19 but I don't know if there is any other way of doing it.
20 To station a Customs Officer at Jedway or Port Simpson
21 is going to be quite an expense, and I think the ship
22 can afford it better than Canada can.

23 MR. JACQUES: Thank you very much, sir?

24 MR. BIRD: I have no questions, but I
25 should like to make this observation, and I hope that
26 Mr. Nickerson won't mind, that I think Prince Rupert
27 should be commended in Mr. Nickerson's presence here
28 today. Perhaps it is rather unfortunate that in other
29 ports in British Columbia we don't have people who at
30 the age of eighty-three show the interest to come to
a Royal Commission and air their views. I think it



1 speaks very highly of Mr. Nickerson's interest in his
2 port.

3 THE CHAIRMAN: You have heard the represen-
4 tation of the Chamber of Commerce. They have mentioned
5 in their brief that they expect the shipping to increase
6 in 1963 by certainly about 50%, and it may double in
7 1965. What are your views on that?

8 THE WITNESS: I don't know where they get
9 their optimism from. It reminds me of when we first
10 opened the town here. We expected to have a hundred
11 thousand people. I remember they had a great scene
12 painted on the screen at the picture show showing these
13 great big buildings.

14 As a matter of fact, I think it is going
15 to be less, because we will lose the Jedway ships, and
16 if this China business does not continue we will lose
17 that. I think we have got about fifteen ships from
18 China, and instead of increasing, unless we get some
19 new industry here it will be less. I question whether
20 we will get more this year than last. It will be less.

21 THE CHAIRMAN: Less than the 52 last
22 year?

23 A. Yes. I figure if we pay the regular
24 pilotage fees and have a pilot stationed here, it
25 would cost something about \$6,000.00 more than it is
26 costing now. A man coming from Vancouver in the
27 morning, lots of times he will pick the ship up here
28 at about five o'clock, and if she is only going to be
29 a day or two loading he will stay. Otherwise he will
30 go back to Vancouver. So I can't see who is going to



1 pay the shot.

2 What I am interested in is getting the
3 same pilotage fees here as at Vancouver, and if we got
4 that Prince Rupert is not suffering. If the time
5 comes when we need more pilots, why one can get them.
6 I see it was brought up about the voluntary pilots.
7 Well, any fisherman can pilot a boat in here, but he
8 can't dock her, and why I don't understand why a pilot
9 is a man who necessarily docks the ship. He has to be
10 capable of doing that kind of work. So the part-time
11 pilot does not work out, because we have not anyone
12 here that I know of capable of handling big ships,
13 particularly docking them. Anyone can steer them.

14 THE CHAIRMAN: There is an article in
15 the Chamber of Commerce brief which I found very good,
16 that you are in a very good way in regard to the
17 balance of the country in that you are saving the
18 ships one day's sailing by your good connecting point
19 with the central provinces, for instance.

20 THE WITNESS: To a Pacific destination.

21 THE CHAIRMAN: That is right.

22 THE WITNESS: Well, I don't think --- we
23 have known that for sixty years, but we have not been
24 able to get any merchandise in here to load the ship
25 with, and I can't see us being a port of that type,
26 unless we get to be a much bigger city, or we get more
27 population and amenities besides that. When Prince
28 Rupert was first thought of there was a big silk move-
29 ment in here, and Mr. Hayes had pictured that as one
30 source of cargo. But that has all disappeared since



1 the Canal did away with that, and any silk that
2 comes for the eastern markets comes through the Canal.
3 As a matter of fact, the worst thing that ever
4 happened for Prince Rupert was the Panama Canal.

5 MR. JACQUES: Perhaps Mr. Ormsby could
6 take the stand and give whatever figures he has to give
7 the Commission if you please?

8
9 EDWARD OSWALD ORMSBY, sworn:

10
11 DIRECT EXAMINATION BY MR. JACQUES:

12
13 Q. How old are you, sir?

14 A. Fifty-five.

15 Q. What position do you occupy in Prince
16 Rupert?

17 A. District Marine Agent for the Department
18 of Transport.

19 Q. How long have you been in that position,
20 sir?

21 A. Three years and one month.

22 COMMISSIONER SMITH: What is his full
23 name?

24 THE WITNESS Edward Oswald, sir.

25 Q. And what area does your District cover?

26 A. On the coastline from Cape Caution just
27 north of Vancouver Island to the Alaska boundary.

28 Q. So Prince Rupert, Kitimat, and the Queen
29 Charlotte Islands are within your District?

30 A. Yes.



1 Q. In your capacity as District Marine
2 Agent, do you have supervision of the lights within
3 that District?

4 A. Yes, that is correct.

5 Q. At my request have you prepared a summary
6 of the number of lights out, and the number of days
7 some lights were out, for the period 1960, 1961 and
8 1962?

9 A. Yes.

10 Q. This is the document which you have
11 prepared?

12 A. Yes.

13 Q. Would you state to the Commission, would
14 you explain that document to the Commission, please?

15 A. This document is referring to unwatched
16 aids to navigation, which are basically small electric
17 lights to mark usually turning points, or particular
18 spots in a channel where it is desirable to have an
19 aid to navigation for a course alteration. These
20 normally are serviced every twelve months, once a year.
21 The battery capacity is about fourteen months, so there
22 is usually about a two-month surplus in the battery
23 for contingencies.

24 There are any one of probably a dozen
25 causes as to why they can go out in the course of that
26 year. There may be a little bit of condensation may
27 get into the motors. They draw very little power, and
28 the slightest bit of condensation or corrosion on the
29 contacts of these motors will stop the motor and will
30 render the light inoperative. They have four bulbs in



1 each light which automatically turn over if they burn
2 out, and if the bulbs last out their normal life
3 expectancy, one bulb will last one year, and we have
4 four to try to give continuity of service.

5 In the Winter months you can get snow
6 building up on the filter and you think the light is
7 out, and it is not, but that will be reported out; as
8 far as a ship is concerned, that light is out because
9 they can't see it.

10 You can also get condensation on the
11 inside of the lenses which will build up to sufficient
12 quantity that you can't see the light for the normal
13 distance you otherwise would, and it may be reported
14 out because ships are not passing immediately close
15 to the light. If the light is burning it is just a
16 matter of wiping the snow off the light.

17 These are some of the causes as to why
18 lights are out. It may be appreciated that to relight
19 these lights we have to sail a boat from Prince Rupert
20 possibly to the west coast of the Queen Charlotte
21 Islands, which will be three days, possibly to Deer
22 Channel, up to Bella Coola, down to Egg Island and Cape
23 Caution. Obviously it is not an economic possibility
24 to make this trip for one light. If one light is
25 reported out at the south end of the District, it is
26 not possible to immediately send a boat from Prince
27 Rupert, because the boat is probably doing other
28 important work; in fact, it is, otherwise it wouldn't
29 be here.

30 On this list which I prepared at the



1 request of Mr. Jacques, we have the number of days
2 shown per month of lights out, one light out one day.
3 So in January, for example, 1960, we had twelve light
4 days, we had twelve lights out for a total of 167 light
5 days. Some of those lights would have been on the
6 outside of Queen Charlotte Islands. They are not very
7 much used in the month of January; these west-coast
8 lights are used in the Summer months. Sometimes we
9 have had a boat tied up at Tasu for four days before
10 they can make a landing and light the light.

11 The number in the right-hand column is
12 improving a lot, because we have been able to use a
13 helicopter, which would take five days for a ship.

14 Q. So the efficiency of your unwatched
15 lights would be greatly increased with the use of the
16 helicopter?

17 A. Yes.

18 Q. At the left-hand bottom corner of this
19 document you list unwatched lights and you include
20 light beacons, lighted gas and whistle buoys, lighted
21 gas and bell buoys and range marks, for a total of
22 278 lights?

23 A. That is correct.

24 Q. Would the number of lights out and the
25 total light days out cover these 278 aids to navigation?

26 A. These are totals for all of these units.

27 Q. 278 units?

28 A. Yes. In this list of lights out we are
29 including buoys and range lights.

30 Q. Would you file this document as Exhibit



1 145, being information on this type of serviceability
2 of navigational unwatched lights in the Prince Rupert
3 Agency?

4 A. Yes.

5
6 ---EXHIBIT NO. 145: Statement in respect of
7 serviceability of unwatched
8 navigational lights in the
9 Prince Rupert Agency (D.O.T.)
for 1960, 1961, 1962.

10 Q. You also have watched lights?

11 A. Yes.

12 Q. And these are serviced by your people
13 looking after them?

14 A. Who live right near them.

15 Q. Right near the lighthouse?

16 A. Yes.

17 Q. Would you describe to the Commission the
18 procedure which is followed when an aid to navigation
19 is reported out of order?

20 A. If the aid is reported by day the ship
21 reporting the aid being defective reports this on
22 their radio-telephone directly to the nearest shore
23 station in this District, which is either Bull Harbour,
24 Sandspit or Prince Rupert. If it is during office
25 hours, the station concerned phones my office on the
26 special set we have, the 1709 rescue circuit, and we
27 immediately authorize a notice to shipping which is
28 broadcast on the next broadcast by the stations that
29 I specify. If the radio station is advised by night,
30 there is a working agreement that they immediately put



1 this information on a broadcast and notify my office
2 on the first working day. In this case it goes out
3 immediately and is broadcast over the weekend, and we
4 then send the routine paperwork, this confirmation copy
5 to Ottawa for their records on Monday, during working
6 hours. But the notice is sent out immediately.

7 Q. You mentioned the radio station over
8 which the notice to shipping would be broadcast. Would
9 you care to explain that, please?

10 A. Yes. Depending on the location of the
11 light, if the light is in the northern district, we
12 don't always broadcast from Sandspit or Bull Harbour.
13 The same way with the lights in the southern district,
14 we don't necessarily broadcast over Digby immediately.
15 We may have reason to know that the light will be
16 fixed that day. If that is so, there is no necessity
17 cluttering up Bull Harbour radio station.

18 Q. How many radio stations have you within
19 your District?

20 A. Three.

21 Q. Which are they?

22 A. Bull Harbour. That is not in my District,
23 that is on the northern end of Vancouver Island, but it
24 covers more area on its broadcasts than the other two
25 stations. It is a very powerful station. And Sandspit,
26 Queen Charlotte Islands and Prince Rupert here, Digby
27 Island.

28 Q. Would these three stations cover the
29 whole of your District?

30 A. Yes.



1 Q. Would you have an idea of how far out
2 at sea this could be picked up by ships?

2 3 A. Sandspit is not very far. I am not
4 a communications expert. These stations broadcast
5 by voice on the radio-telephone. They also broadcast
6 on continuous waves on the Morse which can get right
7 across the Pacific. Distance-wise, I think I am correct
8 in saying, it is almost unlimited.

9 Q. Would you tell the Commission at what
10 times these radio stations broadcast throughout the
11 day?

12 A. Yes. Prince Rupert station: 0830,
13 1140, 1230, 1940 and 2030. Sandspit: 0500, 1350,
14 1750, 1950. Bull Harbour: 0640, 0840, 1240 and 2040.
15 And in addition to that an immediate notice goes on
16 the air regarding an outage of a buoy or a major light
17 irrespective of when that comes in.

18 Q. So when an important aid to navigation
19 is out of order, it is immediately broadcast to the
20 shipping in the area?

21 A. Immediately it is reported, that is right.

22 Q. And if it is not a major aid to naviga-
23 tion, it is broadcast to the nearest one of these times?

24 A. That is right.

25 Q. Now, as regards to aids to navigation
26 generally within your District, have you ever had any
27 complaints or requests from pilots, British Columbia
28 pilots?

29 A. Oh, yes. I have a list of the requests
30 here.



1 Q. Perhaps before we go into the list, sir,
2 it may be better to ask you, among all these requests
3 which have not been granted?

4 A. I think there is only one outstanding
5 so far.

6 Q. Which one would that be, sir?

7 A. Farewell Point.

8 Q. What about Farewell Point?

9 A. It hasn't been done. I haven't had time
10 to do it.

11 Q. What were you requested to do?

12 A. I have been requested to put up an un-
13 watched light.

14 Q. How long ago was that request made of
15 you, roughly?

16 A. I would say within five months, something
17 like that.

18 Q. Five months?

19 A. Approximately, yes. But when you see
20 the number of requests I get. May I make one statement
21 for the record?

22 Q. Surely.

23 A. My business is aids to navigation, and
24 I would like to draw the Commission's attention to
25 the opening pages of this volume which is Exhibit No.
26 76, detailing very particularly that all our aids to
27 navigation are considered installed simply as aids,
28 and whilst we do our best to keep them operating, we
29 cannot always guarantee, particularly with buoys, that
30 they are always in position.



1 Q. You are referring to page 3 of Exhibit
2 No. 76?

3 A. Page 3 and page 5 and page 7 in particular.

4 Q. Sir, one last question. Among your
5 duties do you have anything to do with air-sea rescue?

6 A. Yes. This is rather a touchy point. I
7 am very much involved in air-sea rescue, but the air-
8 sea rescue organization in Prince Rupert is a purely
9 voluntary organization, and I am not officially
10 connected with it, except to supply facilities.

11 Q. Which facilities do you supply?

12 A. Both my ships and, of course, the heli-
13 copeter.

14 Q. Do you think if a different type of
15 pilot boat were appointed to Prince Rupert it could be
16 used for air-sea rescue?

17 A. Well, if it is available. You use
18 everything you can get your hands on.

19 MR. BIRD: No questions, my lord.

20
21 CROSS-EXAMINATION BY MR. LANGLOIS:

22
23 Q. Mr. Ormsby, is Kitimat included in your
24 District ?

25 A. Yes, it is.

26 Q. In the normal course of events how would
27 a light out be reported to you?

28 A. By the first vessel that passes it,
29 usually at night. Some people we have trained and
30 they will report them by day.



1 Q. Would they be coastal vessels?

2 A. I don't think I have a report from a
3 deep-sea vessel yet. I don't remember one. Very
4 seldom, anyway.

5 Q. What about pilots?

6 A. I am quite sure they would if they passed
7 one that was not working. At least I hope they would.

8 MR. JACQUES: They are obliged by law.

9 THE WITNESS: I know.

10 MR. LANGLOIS: And they conform with the
11 law.

12 Q. Is it possible that an unwatched light
13 or buoy would be quite some time out without you
14 knowing about it?

15 A. Quite possible.

16 Q. Quite possible?

17 A. Yes.

18 Q. Now, you said, sir, that your notices to
19 shipping --- I don't know if I understood you correctly ---
20 are not broadcast over all your three stations?

21 A. This depends on the location and the
22 nature of the aid. If this is a major aid or buoy, a
23 floating aid is always reported immediately. If it
24 is what we consider a minor aid or it is up at one
25 extreme end of the area and we know from our own point
26 of view we are going to be able to service that in the
27 next day for reasons of our own, if we know that the
28 helicopter or ship is right in the vicinity and can
29 pick it up inside 24 hours, then we would only broad-
30 cast on the nearest station.



1 I might go into a little more detail on
2 that. The radio people are very sensitive about the
3 number of messages on the air. This may sound peculiar,
4 but the air is getting more cluttered all the time,
5 and they are most anxious to try and keep down
6 extraneous messages, keep them down to a minimum, and
7 that is why we have been requested to scrutinize any-
8 thing and not make redundant broadcasts if we can
9 avoid it.

10 MR. JACQUES: May I sum it up in this
11 way? You broadcast within an area where ships would
12 be expected to reach that aid at night.

13 THE WITNESS: Yes, that is correct. If
14 for any unforeseen reason we have only broadcast on
15 one station and we cannot attend to that light when
16 expected, then it immediately goes on to the other
17 stations.

18 Q. But you broadcast in an area where
19 shipping would be expected at night. Are you referring
20 to local or coastal shipping?

21 A. Inland.

22 Q. How would you know that an ocean vessel
23 would be expected at night?

24 A. There are not that many of the outside
25 lights. We have a fair idea of what the shipping is.

26 MR. JACQUES: Anyway, you know that if
27 you are broadcasting at noon for a certain light there
28 are only approximately six hours daylight left and
29 ships expected to reach that particular light
30 within the six hours would have to come from certain
restricted limits.



1 THE WITNESS: Yes. And even a single
2 station broadcast that would come on the C.W., anyone
3 making a landfall would get it on the C.W. This
4 reason for curtailing is to try and cut down messages,
5 and it is more applicable to the coastal vessels and
6 the fishboats. Your deep-sea ship would get it on the
7 C.W., whatever station it comes over, whereas Bull
8 Harbour would not be picked up distinctly at the
9 northern end of the District, Prince Rupert would not
10 be picked up distinctly at the southern end of the
11 District. If you are broadcasting a northern light
12 you won't put it on all the next day, because Digby
13 would be covering it; and even deep-sea shipping
14 approaching it would get it on the C.W. from Digby.

15 Q How often would a message for a light
16 out, buoy, be made? Would it be broadcast more than
17 once?

18 A. If it is a major outage that may be out
19 for some time or a buoy which may take some time to
20 replace, we put it on for three or sometimes even four
21 days, according to the number each day.

22 Q. Could you tell the Commission what is
23 your experience with buoys here in getting out of
24 position?

25 A. Not too badly now. With the arrival of
26 the pilots and the shipping authorities I have made
27 certain fairly radical changes in some of the buoys
28 that were almost impossible to maintain. We have
29 withdrawn some completely from service, because we
30 couldn't maintain them. There is no use publishing



1 that you have a lighted buoy in a certain spot if you
2 can't keep it there all Winter. You are better off
3 not to have a buoy at all and to put some at least
4 close to where you can maintain it, and since I have
5 made these changes, in some respects we are doing
6 pretty well with buoys. I don't think we have any
7 serious --- no, I haven't had a buoy go out of station.

8 Q. During the Winter months if they go out
9 I understand you remove them?

10 A. No.

11 Q. What do you do?

12 A. If I can't get them to stay on the
13 station I try to get the pilots and shipping authorities
14 to withdraw it and completely replace it with another
15 buoy or an unwatched light.

16 Q. Isn't it a fact that it has happened
17 that even the light on Hamner Rock was washed away by
18 the sea?

19 A. Yes. We will put another one on and
20 make it stick the next time.

21 MR. JACQUES: Is that a frequent
22 occurrence?

23 THE WITNESS: No. I think it is one of
24 these 100-foot trees that drift around. We get lots
25 of them around the coast here. It wouldn't be the sea
26 that knocked that thing off.

27 Q. Has that happened very often?

28 A. No, just once, sir.

29 MR. LANGLOIS: Thank you, sir.

30 COMMISSIONER RENWICK: Is it not a fact



1 that during the month of June, July and August you
2 only have about four hours of darkness in this
3 latitude?

4 THE WITNESS: Not very much more than
5 that, yes. Maybe five at the most.

6 MR. LANGLOIS: From ten to two in the
7 morning?

8 THE WITNESS: Yes.

9 MR. JACQUES: Very short night life?

10 THE WITNESS: Yes.

11 MR. JACQUES: In the Winter the hours
12 of darkness would be much longer?

13 THE WITNESS: It is from about four
14 o'clock in the afternoon to about eight-thirty in the
15 morning.

16 MR. JACQUES: If your lordship would
17 agree to adjourn at this time before we start with
18 the cross-examination of the witnesses heard this
19 morning and yesterday.

20 THE CHAIRMAN: All right.

21
22 ---Short Recess.

23
24 THE CHAIRMAN: So I think we are progres-
25 sing fairly well, and if at all possible we would like
26 that the Prince Rupert hearing finish in Prince Rupert,
27 rather than New Westminster, because at New Westminster
28 already we have to finish the Vancouver hearing. So if
29 at all possible, we would appreciate, without urging
30 you too much, that we finish it here, so therefore, we



1 will see at five o'clock how we are progressing, and
2 if we expect to finish within an hour after that, we
3 will continue until six o'clock. If not, we will
4 adjourn at five o'clock, and will resume at seven
5 o'clock.

6
7 JOHN LAWRENCE CONNOLLY, recalled.

8
9 THE SECRETARY: Mr. Connolly, you are
10 under the same oath.

11 THE WITNESS: Yes.

12
13 CROSS-EXAMINATION BY MR. LANGLOIS:

14
15 Q This morning you gave us some figures
16 on your pilotage costs. Is it not a fact, sir, that
17 the pilotage costs in northern ports have been reduced
18 in 1958, when the new pilotage cost structure was put
19 into force?

20 A. I believe that is so.

21 Q. Would you be able to tell us what has
22 been the saving to your company since then?

23 A. I can't tell you that at the moment, but
24 that could be provided.

25 MR. LANGLOIS: Will you see that this
26 is provided, Mr. Bird?

27 MR. BIRD: Yes.

28 Q. And this reduction resulted not only
29 from the new structure of pilotage dues, but also from
30 the taking over by the Department of Transport of 50%



1 of the boat charges. Is that a fact?

2 A. I think that is a fact in relation to
3 Prince Rupert, not to Kitimat.

4 Q. What do you mean by that?

5 A. The Kitimat pilots are generally picked
6 up off of Cape Beale on 90% of our ships coming from
7 the south, where to the best of my knowledge the tug-
8 boat fee is less, and on a different basis to the
9 Rupert. On the other hand, we have 10% of our vessels
10 coming through Rupert, where that fact would be true,
11 that approximately half of the tugboat charge is paid
12 by the Federal Government.

13 Q. Is it not a fact, sir, that the Depart-
14 ment of Transport has assumed 50% of the boat charges
15 at Cape Beale?

16 A. I can't verify that of my own knowledge.

17 Q. And is it not also a fact that the same
18 thing was done in regard to boat charges at Triple
19 Island?

20 A. I know that, yes.

21 THE CHAIRMAN: For your information, we
22 have received evidence to the effect that at Cape
23 Beale also it is being cut in two like that, with the
24 Federal Government taking half of it.

25 THE WITNESS: Thank you.

26 MR. LANGLOIS: So I understand, my lord,
27 that the saving in cost will be filed in Vancouver or
28 New Westminster.

29 THE CHAIRMAN: Could we have this infor-
30 mation from maybe Capt. Eddy, or would it be for the
company to provide?



1 MR. LANGLOIS: One source or other.

2 It does not matter.

3 THE CHAIRMAN: Are you asking for the
4 whole year?

5 MR. LANGLOIS: On a yearly basis. We
6 could have it, for example, for 1962, but we would
7 have to have comparable figures for before the change
8 was made.

9 MR. BIRD: We will get everything we
10 can.

11 Q. In this same period since 1958, what
12 has been the trend in your other port charges, such as
13 agency fees, stevedoring, linesmen charges, and so on?
14 Have they increased, or have they remained the same?

15 A Is the year 1962 in question?

16 Q. Between 1958 and 1962?

17 A. From 1958 to 1962 to the best of my
18 knowledge none of those rates have changed on our
19 dock.

20 Q Am I to understand, sir, that the steve-
21 doring at Kitimat is done by your company?

22 A. That is correct.

23 Q. What about the ship agency work?

24 A. That is also done by our company.

25 Q. You do it for other ships than yours?

26 A. Yes.

27 Q. And you charge to them your cost of
28 operation?

29 A. Correct.

30 Q. Would you care to supply to the Commission



1 the costs in port charges, I mean docking, if you
2 charge any docking to ships owned by others, steve-
3 doring charges, linesmen charges, at Kitimat for the
4 year 1962?

5 A. Yes.

6 MR. BIRD: I will endeavour to get
7 those figures as well.

8 Q. These agency services, are they rendered
9 by Saguenay Shipping, or is that another firm, a
10 subsidiary of Saguenay Shipping that does that?

11 A. The agency services?

12 Q. Yes?

13 A. Are done by the dock operational force.

14 Q. What would be the normal charges? I don't
15 want any figures, but what items would be included in
16 that?

17 A. General ship chandlery, the care of
18 sickness or accident to members of the vessel, the
19 supply of water, the supply of foodstuffs, and the
20 general outport agency services.

21 Q. And there would also be an item as a
22 commission covering your overhead in your charge to
23 the ship also?

24 A. No, there is no commission. There are
25 flat rates. We charge all this sort of thing according
26 to outports --- there is a published scale.

27 Q. Have you ever worked out what these
28 port charges would be on a percentage-wise basis in
29 relation to tonnage carried?

30 MR. BIRD: Just before this question is



1 answered, my lord, I really think that my friend is
2 going rather far afield. If he would indicate to the
3 Commission his purpose in asking for all this informa-
4 tion, which I am certain at the moment is relevant to
5 this inquiry, then of course, we will do what we can
6 to obtain it, but if the Commission should feel that
7 it is not relevant, then I don't wish to turn upside
8 down the records to make available in this Commission
9 information that is for obvious reasons confidential,
10 as the cost of production.

11 MR. JACQUES: These are the terms of
12 reference of the Commission.

13 MR. BIRD: I merely make this observation,
14 my lord. It would appear that such an inquiry as this
15 is outside the terms of reference of this Commission.

16 MR. LANGLOIS: May I reply to that?

17 THE CHAIRMAN: Yes.

18 MR. LANGLOIS: My lord, in our evidence,
19 in our brief, we didn't go into these items, but my
20 learned friend did, and this morning we were even
21 dealing with the cost of aluminum, world marketing,
22 the cost of operation of ships, and great emphasis was
23 laid on the high cost of pilotage, which was quite a
24 burden to the shipping industry using the port of
25 Kitimat. I think, my lord, I am entitled to ask these
26 gentlemen, who are opposing us in this case, to also
27 give us a comparison between the pilotage costs and
28 other costs of operating their ships, particularly
29 port costs in Kitimat, and I think, with the greatest
30 respect, my question is quite relevant considering the



1 evidence which was placed before the Commission this
2 morning and yesterday.

3 THE CHAIRMAN: Well, I think that is
4 all right, as long as you don't get any farther into
5 the costs of production of aluminum and all those
6 things. To know what profit they may make, whether it
7 is too excessive, and so on, because there we will
8 finish. Just limit yourself to these ships.

9 MR. BIRD: Very well, my lord.

10 THE CHAIRMAN: If at all possible, if
11 this information is available.

12 Q. You mentioned this morning, you made
13 the recommendation rather, that an additional pilotage
14 station should be established in the northern portion
15 of the District. In your opinion, who should pay for
16 the cost of this additional pilotage station?

17 A. Well, my opinion, most businesses pay
18 their overhead expenses, or general expenses, out of
19 the cost of revenue, and I would think that the same
20 should apply to pilotage as a service.

21 Q. So I take it that you recommend that
22 the cost of this boarding station should be borne
23 by the pilots, is that a fact?

24 A. I would say that consideration should
25 certainly be given to that.

26 Q. Is it not a fact, sir, that the establish-
27 ment of such a situation would be for your own
28 benefit and advantage only?

29 A. Possibly Ocean Falls as well.

30 Q. But to your own advantage also?



1 A . Certainly if there any means of reducing
2 detention fees, then it is to our advantage, or to
3 anybody else's using the pilotage services.

4 Q. So, due to your constant refusal to use
5 Triple Island as a boarding station - -- I don't
6 blame you for saving steaming time for your ships,
7 you are recommending that the Commission support your
8 contention that an additional station should be
9 established in the northern section, and that the
10 cost of it should be entirely borne by the pilots. Is
11 that a correct interpretation of your recommendation?

12 A. Yes, except that I think the northern
13 station idea would be in a location that would benefit
14 as many areas as a station could be geographically
15 located to benefit.

16 Q. Is it not a fact that if your company
17 made more extensive use of Triple Island that this
18 would also benefit Prince Rupert in warranting the
19 placing here of one or more resident pilots?

20 A. It would certainly tend to keep that
21 pilot busier.

22 Q. Is it not also a fact that if a greater
23 use were made of the boarding station at Triple Island
24 that your company will be saving in detention of
25 pilots when they board at Cape Beale the time they
26 spend on the ship from Cape Beale to McInnes Island?

27 A. Yes.

28 Q. Is it not a well-established principle
29 that the cost of a service should be paid by the users
30 of the same service?



1 A. It would depend, I suppose on the
2 interpretation or definition of service.

3 Q. Well, do you think pilotage is a service?

4 A. Yes, pilotage is a service, or could we
5 call it a business? On the present basis it is pretty
6 hard to decide whether it is a profession or a trade,
7 or a consulting service. I think that section needs
8 to be more closely defined, to properly put the
9 question of expense, or revenue against income on a
10 better understood basis than the present.

11 Q. Is it not a fact that pilotage is a
12 service to shipping primarily?

13 A. Yes.

14 Q. This morning, sir, you mentioned that
15 your company was operating British ships. How many
16 British ships do you operate on this west coast? I
17 am not talking of your operation on the Atlantic or
18 on the St. Lawrence?

19 A. I don't think I mentioned that. It was
20 another witness.

21 MR. BIRD: It was another witness. I
22 think it is Mr. Burke who has this knowledge.

23 Q. Did you also mention that you had five
24 British masters in those ships?

25 A. No.

26 MR. LANGLOIS: My lord, I think this is
27 all the questions that I have to ask this witness,
28 but since I don't know when I come to the brief that
29 Mr. Burke will be able to answer all the questions
30 that I put to him, I would ask that this witness remain



1 at the disposal of the Commission.

2 THE CHAIRMAN: All right.

3 MR. BIRD: Oh, yes, he will be here.

4 COMMISSIONER SMITH: If your lordship
5 pleases, just before the witness leaves the stand, a
6 question was asked about what is pilotage, the defi-
7 nition of pilotage, and I have here an excerpt from
8 "Pilotage Work", the American pilotage authority, and
9 this is what it says: "Generally pilotage costs in
10 the U.S.A. are borne solely by those who utilize the
11 service, the commercial and transportation interests,
12 and the general public, not the Government. By the
13 same token the cost of even Governmental regulation
14 is in full or in part supplied by the fees earned by
15 the members of the profession. Thus charges are
16 levied against the various pilot groups. Thus almost
17 invariably the program is self-sustained". Would
18 you agree with that?

19 THE WITNESS: Yes, I suppose if that
20 is quoted from factual information I would have to
21 agree with it, and then the question of the situation
22 south of the border, and the situation on this side
23 of the border, and the present Commission's view of
24 the situation in B.C. after the hearing is concluded.

25 COMMISSIONER SMITH: Well, the pilotage
26 situation in this country, as you know, is compulsory,
27 and I think there is only one exception where there
28 is voluntary pilotage in Canada, and it is compulsory
29 in the United States, with one exception, as was
30 brought out in the evidence last week in Vancouver,



1 where they have some kind of a voluntary system on
2 the Columbia River in the State of Oregon. So insofar
3 as the general principle of pilotage is concerned, it
4 is compulsory in both countries, with those two
5 little exceptions.

6 THE WITNESS: Yes.

7
8 RE-EXAMINED BY MR. BIRD:

9
10 Q. Mr. Langlois was asking you about
11 making use of Triple Island, and thus avoiding certain
12 detention expenses. If you went around Cape Horn,
13 would you avoid Panama Canal pilotage dues?

14 A. Probably.

15 Q. Now, he also asked you about whether
16 you thought the pilots should contribute from their
17 earnings to the establishment of another pilot
18 station. Now, do you believe that pilots should
19 receive a fair remuneration for the services they
20 provide?

21 A. I certainly do.

22 Q. What have you to say as to whether if
23 they cannot be given a fair remuneration from their
24 earnings, what is your view as to whether there should
25 be contribution from Government to make up that
26 deficiency?

27 A. I would think that since the established
28 pattern presently is to pay part of the cost, such as
29 tugboat costs, that it would be logical, to be
30 consistent, that other types of support to pilotage



1 would equally be, should equally be assisted by the
2 Federal Government.

3 THE CHAIRMAN: When you refer to tug-
4 boats, it is pilot boats, is it?

5 THE WITNESS: Yes, sir.

6 RE-CROSS-EXAMINATION
7 BY MR. JACQUES:

8
9 Q. Do you consider that pilotage service
10 is a public service, as opposed to a private service?

11 A. I consider it to be a public service.

12 Q. I am not trying to put you on the spot,
13 but what do you understand by public service?

14 A. Well, to me it is much the same as the
15 Department of Transport's care and installation of
16 lights and facilities, and in general Government-
17 backing of this sort of thing, as compared to the
18 supply of other like type assistance to vessels through
19 pilotage services.

20 Q. So, would it be fair to say that you
21 consider pilotage service as an aid to navigation,
22 and not as a commercial venture?

23 A. I certainly consider it as an aid to
24 navigation, and in aiding navigation it is a service
25 to industry. A ship and its crew is paid for by the
26 exporter, and the assistance then to the vessel comes
27 into a category of helping industry, by getting that
28 ship to its destination through local and unknown
29 waters. The whole question I think that we are getting
30 at here is regardless of how the thing is framed, or



1 defined, that an effort should be made on both sides of the
2 question, through the normal competition conflict of
3 interests, to supply the best service at the cheapest cost.

4 THE CHAIRMAN: Could we sum up by
5 saying that on the inlet to Kitimat that the pilotage there
6 is borne out of the security concerned?

7 THE WITNESS: Yes.

8 THE CHAIRMAN: Now, just for the record,
9 we saw in the Chamber of Commerce brief that they are
10 talking of bauxite as the others are talking of alumina,
11 so is it bauxite or alumina that you bring in here?

12 THE WITNESS: It is alumina.

13 THE CHAIRMAN: It is the second stage
14 of bauxite?

15 THE WITNESS: It is the reduced stage
16 of bauxite.

17 THE CHAIRMAN: It has already been
18 processed to a certain stage?

19 THE WITNESS: Right.

20 MR. LANGLOIS: Before Mr. Burke is
21 called to the stand, with your leave, my lord, I would ask
22 the Commission Counsel if we could expect to get from the
23 Collector of Customs, I don't know if there is one in
24 Kitimat, or if it is done through another port of entry,
25 the volume of traffic in-and out-bound that port for the
26 year 1962?

27 MR. JACQUES: I am not refusing to
28 ask for that, but I think that was in one of the exhibits
29 this morning.

30 MR. LANGLOIS: Not from the Customs.



1 MR. JACQUES: No, but if we have that
2 figure ---

3 MR. BIRD: The total amount that moved
4 over the Kitimat dock, according to the Aluminum Company's
5 figures, but apparently Mr. Langlois would like to ---

6 THE CHAIRMAN: Verify it?

7 MR. LANGLOIS: No, it is not only that,
8 my lord, but if you recall the witness this morning said
9 there was cargo consigned to other people and he would not
10 have that information. It is not because I have no faith
11 in the evidence. It is because I want to have complete
12 evidence.

13 MR. BIRD: My recollection of the
14 evidence and the exhibit was that it showed all aluminum
15 ingot that moved across the Aluminum Company dock onto
16 all ships.

17 MR. LANGLOIS: What about pitch?

18 MR. BIRD: None moved out.

19 MR. LANGLOIS: I want in and out.

20 THE CHAIRMAN: Could that be obtainable
21 from the Customs? Anyway we will inquire, and if at all
22 possible it is going to be provided.

23 MR. BIRD: My lord, the Aluminum Company
24 can produce figures in respect of any cargoes that moved
25 in over that dock.

26 MR. LANGLOIS: Is there cargo that does
27 not move over their dock?

28 THE CHAIRMAN: He would like to know also
29 what is in transit.

30 MR. JACQUES: I have just been advised



1 that in Kitimat they have a Deputy Collector under the
2 Collector here in Prince Rupert. Perhaps you might see
3 tomorrow morning the Collector himself and he would be
4 able to tell you what information he has available.

5 THE CHAIRMAN: So could you do so?
6 Could you see the Customs man here, and find out what could
7 be available from him, and let us know, and we will get
8 the information from him.

9
10 JAMES J. BURKE (Continued):

11
12 CROSS-EXAMINATION BY MR. LANGLOIS:

13
14 Q. Mr. Burke, yesterday, I believe it was,
15 you mentioned that your company, Saguenay Shipping, was a
16 subsidiary of Alcan, is that correct?

17 A. Yes.

18 Q. How many ships owned by Saguenay
19 Shipping are operated in and out of Kitimat?

20 A. Can I say managed rather than owned,
21 managed by Saguenay Shipping?

22 Q. Yes.

23 A. Well, last year we had 29 ships in and
24 out of Kitimat, of which several repeated, made more than
25 one voyage. I would guess we had about fifteen, eighteen
26 different ships, some repeating more than once.

27 Q. When you say managed by Saguenay Shipping,
28 do you mean that they are chartered to you?

29 A. Some are chartered. We have a corpora-
30 tion setup such as Cedar Shipping Company or Maple Shipping



1 Company under which the ship may be registered, but, in
2 fact, they are managed by Saguenay Shipping.

3 Q. Where are these ships registered?

4 A. We have four Liberian registered and
5 four British. The time chartered ships could be generally
6 Norwegian, in some cases Italian, and some British.

7 Q. Mention was made yesterday by your, I
8 believe, that you are employing five Canadian masters.
9 Is that on a particular ship?

10 A. No, that is on all our eight ships.
11 That is from memory; I think it is five Canadian masters.

12 Q. Do I understand that you have no
13 Canadian masters on the Pacific coast?

14 A. Yes, we do have ships trading on the
15 Pacific. Our ships are not assigned to one trip entirely,
16 and of the fifteen or eighteen ships that we see here in
17 1962, some had Canadian masters, and, as I say, the company
18 has five that I recall, Canadian masters, in their employ.

19 Q. Can you give me the names of the ships,
20 please?

21 A. Well, the masters are changed from time
22 to time from one ship to another. I can give you the names
23 of the ships. The ships are the Sunrhea, Suneck, Sunrip,
24 Sunbrayton, Sunhenderson --- these are British. Sunwalker,
25 Sunprincess and Sunflower, Liberian owner.

26 Q. Do they hold a certificate of competency
27 in Canada?

28 A. I know they are Canadian citizens.

29 Q. Is it not a fact that they are British
30 subjects, came from the U.K., who have now established



1 themselves in Canada?

2 A. I couldn't be sure of that, but I know
3 they are Canadians.

4 Q. What about the crews of these ships?
5 Are they Hindus?

6 A No, the crews are all British crews,
7 West Indians. We trade into the Caribbean and West Indies --
8 unlicensed personnel.

9 Q. The fact that you don't employ any
10 Hindus is because they are not available?

11 MR. BIRD: I am not sure this falls
12 within the terms of reference.

13 THE CHAIRMAN: What are your views on
14 that, Mr. Langlois?

15 MR. LANGLOIS: Well, it all comes into
16 this question of operating ships.

17 THE CHAIRMAN: I think we are going
18 outside our terms of reference. If we get into all that,
19 I think we are outside of our terms of reference.

20 Q. You filed yesterday as an exhibit a
21 list of Saguenay Shipping -owned ships calling at Kitimat
22 in 1962. Looking at this list, I see that you said that
23 these figures were compiled under your instructions?

24 A Yes, sir.

25 Q. Do you know what was the source of the
26 information?

27 A. Yes, the source of the information on
28 this list was the pilotage accounts and source cards which
29 accompanied the account, that is pilots' source cards.

30 Q. And if I understood you correctly, you



1 said that this had been compiled by your secretary.

2 A. That is correct, sir.

3 Q. I see that on page 2 you have the Sunrip
4 from Cape Beale to Kitimat, and under the heading of
5 "Total Time Piloting," "Total Time Detained," "Total Time
6 Spent," there is no corresponding entry. Would you care
7 to explain why?

8 A. From memory I can't tell you why it is
9 not complete. I pointed out at the time that this brief
10 was introduced that it wasn't intended for this purpose;
11 they were working papers that I stuffed into my briefcase
12 when I came to Prince Rupert. Why this particular one
13 isn't complete, I don't know, but I am quite sure the
14 pilotage authority could supply you with that information
15 from their records.

16 Q. On the same page the same thing would
17 apply to the Sunpolynesia?

18 A. Yes, I can answer that one. In the
19 Sunpolynesia, the ship was at Kitimat and there was an
20 explosion in the engine room and she had to be towed to
21 Vancouver for repair and consequently wasn't a regular
22 pilotage routine. So that was skipped; although the run
23 back to Kitimat to reposition was omitted for some reason,
24 but I don't know why.

25 Q. You have the same thing for the Sunrip,
26 Sunriver, Suneck and Sunetna.

27 A. I can't tell you why the information
28 isn't there, but I can supply it if it is required. And
29 I am sure that the pilotage authority also have the
30 information.



1 Q. If you would do so, it may be a good
2 thing to complete this information.

3 A. Very good.

4 Q. Looking at this exhibit, I find that
5 you gave the fastest outgoing voyage as being six hours
6 and forty minutes. Have you worked out what was the ---
7 you stated that yourself, that the fastest run out was six
8 hours, forty minutes. What was the longest run out from
9 Kitimat?

10 A. To McInnes Island?

11 Q. Yes.

12 A. It appears to be from the records shown
13 on this sheet, ten hours and fifteen minutes from Kitimat
14 to McInnes Island. That is on page 2, the Suneck, on July
15 the 16th.

16 Q. Now, would the times that you have
17 put there of the total time a pilot was used include
18 docking?

19 A. Yes.

20 Q. It would include docking?

21 A. Yes, sir. It is significant that the
22 slowest ship out and the fastest ship out were the same
23 ship.

24 Q. Now, you filed also Exhibit 137, which
25 is pilotage information on vessels bound Kitimat, and I
26 would like you, sir, to look at that exhibit. Would you
27 take the ship Sunheim, and you will find on trip number 1
28 the inward voyage took eight hours, fifty-four minutes,
29 the outward voyage seven hours, fifty-two minutes; and the
30 trip number 2, inward nine hours, forty-two minutes ---



1 A. I am sorry, I don't recall the figures
2 you gave.

3 Q. Step number one, inward, eight hours,
4 fifty-four minutes --

5 MR. JACQUES: I am sorry, Mr. Langlois,
6 we can't trace that here.

7 THE WITNESS: We computed the times.

8 Q. Is it not a fact that on trip number
9 one, the Sunheim took eight hours, fifty-four minutes on
10 the inward passage and seven hours, fifty-two minutes on
11 the outward passage?

12 A. Yes.

13 Q. Trip number two, she took nine hours,
14 forty-two minutes on the inward passage and seven hours,
15 forty-seven minutes on the outward passage. Is that
16 correct?

17 A. I make it nine hours and fifty-two
18 minutes inward and seven hours and forty-five minutes out-
19 ward.

20 Q. On trip number three the same ship took
21 sixteen hours and thirty-four minutes inward?

22 A. Yes.

23 Q. And nine hours and thirteen minutes
24 outward?

25 A. Yes.

26 Q. On trip number four, that ship took
27 fifteen hours and forty-five minutes inward?

28 A. Yes.

29 Q. And nine hours, zero minutes outward;
30 is that correct?



1 A. Right.

2 Q. What is the speed of the Sunheim?

3 A. I think she is thirteen knots.

4 Q. Thirteen knots?

5 A I think.

6 Q. Is it not a fact, sir, that these
7 figures you have just mentioned which correspond with mine
8 show that it is pretty difficult to predict the length of
9 the trip up to Kitimat or down from Kitimat with any
10 accuracy?

11 A. Well, when a ship takes the normal time
12 we can assume that nothing unusual happened; when she
13 takes longer than normal, we look for an explanation.

14 Q. Have you looked for an explanation in
15 this case?

16 A. No, I haven't. She may have adjusted
17 speed for some reason. I don't know what the explanation
18 is.

19 MR. LANGLOIS: I wish the Commission to
20 note that in one case the ship took sixteen hours and
21 thirty-four minutes on the inward passage.

22 COMMISSIONER RENWICK: Do we have the
23 dates? What time of year was it? Does the exhibit show
24 dates?

25 THE WITNESS: Yes.

26 MR. LANGLOIS: My lord, the first trip
27 of the Sunheim was on the 2nd of February, 1959, the second
28 one was on the 22nd of May, 1959, the third one was on
29 the 29th of August, 1959, and the fourth one was on the
30 3rd of October, 1959.



1 COMMISSIONER RENWICK: Thank you. I
2 was looking for the incidence of fog which might have
3 interfered with it.

4 Q. You filed another exhibit, No. 136,
5 which is described as pilotage particulars in respect of
6 Saguenay-operated vessels calling at Kitimat in 1962.

7 Is that correct, Mr. Secretary?

8 THE SECRETARY: I have "Pilotage time,
9 detention and pilots' expenses in respect of."

10 Q. In this exhibit you have typewritten
11 material on it and then some information in pencil.

12 A. Yes.

13 Q. Where did this information come from?

14 A. Well, the information on these sheets
15 that you hold, the exhibit, is the information that was
16 used to compile this Exhibit 135. The source of information
17 was the same, the pilots' source cards. The pencilled
18 figures on the side are my calculations, and the pencilled
19 figures on the bottom are times taken from the port
20 log at Kitimat.

21 Q. I note here on page 24 the following
22 typewritten sentences:

23 "Originally pilots were ordered
24 released on arrival Kitimat bases ETD P.M.
25 3rd. 800 metal cancelled: ETD A.M. 3rd.
26 Weather foggy for several days. Prudent to
27 keep pilots at Kitimat. Orders changed early
28 A.M. 1st in time to catch pilots who were
29 ready to leave Kitimat."

30 Does that happen very often, that pilots



1 are detained for such a length of time at Kitimat?

2 A. No, I would say it is not often, it is
3 not usual. Pilots are detained frequently, yes, for
4 periods up to three days, all the time.

5 Q. Is it not a fact, sir, that in some
6 cases pilots have been detained up to six days?

7 A. In a situation such as you have described
8 on page 24, yes.

9 Q. Why are you detaining pilots instead of
10 sending them home?

11 A. Well, I think the answer was there,
12 that the weather was foggy, the planes were grounded, and
13 rather than risk two pilots not being able to get away we
14 got a call from our agent suggesting that the weather was
15 bad and we detain the pilots, which we thought was prudent
16 in the circumstances.

17 Q. Is it not a fact that when you are
18 detaining pilots they are getting a maximum of \$36.00 a
19 day?

20 A. Yes, now, and if there was only one
21 pilot they would only lose half of that.

22 Q. Is it not a fact that these pilots are
23 detained in order to have a quicker turnover at Kitimat?

24 A. No, the fact that the pilots are there
25 or not there has nothing to do with the dispatch. We want
26 to make sure that she is able to sail as soon as she
27 finishes.

28 Q. Is it not cheaper to keep a pilot on
29 detention at \$36.00 a day, because it would cost more to
30 your company to detain your ship for two hours to get a



1 pilot on board?

2 A. Well, it is based on the fact of the
3 pilot's detention, his expenses ashore, cost of hotel, and
4 sending him back. So we figure that three days is just
5 about the saw-off.

6 Q Would you care to give the Commission
7 what is the average operating cost daily, the average
8 ship that you use on the Kitimat run?

9 A. I would only be guessing, but I would
10 figure the cheapest ship would probably be \$100.00 an hour.
11 No, I beg your pardon, \$50.00 an hour.

12 Q. \$50.00 an hour?

13 A. Yes.

14 Q. And the more expensive ones?

15 A. Well, they could go to \$100.00 an hour.

16 Q \$100.00 an hour or \$2,400.00 a day?

17 A. Yes.

18 Q. Is it not a reason also in order not to
19 delay your ship that you get your pilots when your ship
20 comes from the south at Cape Beale and you would rather
21 pay them detention on board than delay your ship?

22 A. I don't follow that.

23 Q. Is it not the reason you take your
24 pilots at Cape Beale and keep them on board until you
25 reach McInnes Island, that you do that in order to save
26 expense of your ship being detained?

27 A. We have no alternative.

28 Q. But could you not send your ship to
29 Triple Island, and take your pilot there, and you will
30 save the detention?



1 A. Well, there has been a lot said about
2 Triple Island. There were several suggestions made as to
3 possible routes to Kitimat when the discussions were held
4 originally. Triple Island was mentioned as a possibility,
5 and discarded in the same sentence. There was never any
6 serious consideration given to Triple Island.

7 Q. Discarded by whom?

8 A. By Saguenay.

9 Q. What was the reason?

10 A. It was extra steaming. It was not
11 economical to send a ship extra miles in time and fuel.
12 Generally ships take the shortest route.

13 Q. That is exactly what I am asking you.
14 You make a saving taking your pilots at Cape Beale instead
15 of taking them only at Triple Island, and you would rather
16 pay detention to pilots than delay your ship by having to
17 steam for a longer period of time?

18 A There is no question that we want to
19 do it the cheapest way.

20 Q. But is it not in this case at the
21 expense of the pilots?

22 A. Well, it is not intended.

23 Q. But it is as a matter of fact?

24 MR. BIRD: Let him finish.

25 THE WITNESS: It is simply that the
26 pilots told us where the boarding station was, and the
27 procedure that was to be followed, and we went along with
28 the routine laid down. We have no option but to pick the
29 pilots up at Cape Beale. We have options, yes, we can
30 bring the ship into Brothie Ledge. The accepted thing is



1 to pick up the pilots at Cape Beale.

2 Q. When you say the pilots told us, wasn't
3 it the Department of Transport?

4 A. As a matter of memory, it was the
5 Assistant Superintendent of Pilots, Mr. Anderson, as I
6 recall, who described the route.

7 Q. You gave in your testimony yesterday
8 the total of an inward and an outward passage as being 18
9 hours and six minutes. Do you recall to what ship you were
10 referring when you gave that, sir?

11 A. Yes, it was the average for 1962. The
12 inward average being nine hours and forty-six minutes, and
13 outward eight hours and twenty minutes.

14 Q. The average for 1962?

15 A. That is right, sir.

16 Q. What was the longest total for the
17 inward and outward passage for the same year?

18 A. Well, I don't have it readily available.
19 It is on this list. Just a minute. I can make a
20 calculation.

21 THE CHAIRMAN: Do you wish it to be
22 given later?

23 MR. LANGLOIS: Which exhibit is it on?

24 THE WITNESS: This one.

25 MR. LANGLOIS: Exhibit 135.

26 THE CHAIRMAN: That is all right.

27 Q. Now, what is meant on your Exhibit 136,
28 at the bottom of each page in pencil "1st line 1430/31st"?

29 A. Yes, that is the ship approaching berth
30 at Kitimat. That is the time and date that the first line



1 was put ashore.

2 Q. And this information was supplied by
3 whom?

4 A. That was extracted from the port log at
5 Kitimat, which we have for each ship that berths there,
6 when they berth and leave and commence discharging, and
7 so forth.

8 Q. So, if I understand this exhibit
9 properly, the time shown, for example the time the pilot
10 left the ship is based on ship time, and the time shown
11 for first line ashore is the local time?

12 A. That is right.

13 Q. So there could be a discrepancy between
14 the two?

15 A. If the clocks were wrong, yes.

16 Q. Does it happen that the clocks go wrong?

17 A. Well, I think that both times would be
18 fairly accurate.

19 Q. What is meant is that the first line
20 ashore, the first line put on the dock, is that the case?

21 A That is right, sir, it is the time
22 recorded by the linemen, as I recall, when the first line
23 goes on the dock the Superintendent of the Linemen --

24 Q. It does not mean that the ship is
25 secured?

26 A. Oh, no.

27 Q. And in the case of a ship having to turn
28 in the fashion explained yesterday by Capt. Gosse, by
29 putting a line on the wharf and swinging her stern out,
30 and then backing out and forward again, it might elapse



1 quite a piece of time?

2 A. Yes, quite a lot of time.

3 Q. Until the ship is secured back, and
4 ready to discharge?

5 A. That is right, sir. The second pencil
6 notation on the bottom of each page is when the ship is
7 ready to work cargo.

8 Q. I have noticed, sir, that in some of
9 them these times do not appear. For example, I have page
10 3 here. Oh, yes, you explained that one yesterday. This
11 was a repetition of page 1, eh?

12 A. Yes.

13 Q. But I have noticed that on some other
14 pages that the time that this first line was put ashore,
15 and the time the ship was ready is not mentioned. Is there
16 a particular reason for that?

17 A. No, it should be mentioned. I don't
18 have it on my copy, because it was only pencilled on the
19 original.

20 Q. I see for example on page 18, "First
21 line Kitimat" ---

22 MR. BIRD: "See 1st page" it says.

23 THE WITNESS: The "Sunpolynesia" is on
24 page 18.

25 Q. I have just noticed that you have two
26 pages 18?

27 A. It is the continuation. It is the same
28 ship.

29 Q. And when you say "See 1st page", it
30 means the first page 18 then?



1 MR. BIRD: Yes, I believe so.

2 Q. On page 22, unless I am mistaken, this
3 time is not given --- Oh, yes. Again you have two pages 22,
4 and on the first page 22 it is mentioned.

5 On page 27 I see there the "Sunrip".
6 No time?

7 A. It should be on the upper section of
8 the page, opposite the arrival at Kitimat, in the first
9 half of the page.

10 Q. No, I think it is not there. And in
11 that case, sir, I see that your ship was late, due to a
12 damaged derrick?

13 A. Yes.

14 Q. Apparently the pilot was detained
15 during that time?

16 A. Yes, I think, as I recall the ship was
17 ready to sail with the pilot on board when the derrick was
18 damaged. No, I stand corrected.

19 Q. I see that the ship was delayed for
20 two days and four hours with a damaged derrick. She was
21 under repairs, and still the two pilots were kept on
22 board?

23 A. Well, that is not quite right. As you
24 will notice, the inward pilots were called, and released
25 as soon as the ship arrived in Kitimat. The new pilots
26 were called to arrive at the estimated departure time.

27 Q. She sailed at 0025, December the 11th,
28 delayed due to damaged derrick, and the pilots were
29 ordered at 1000 hours on December the 9th. That is almost
30 two days there?



1 A. Well, it was an unforeseeable delay.
2 That is the unfortunate part of not having pilots stationed
3 there. The pilots were ordered in good faith for the time
4 given by the agent.

5 Q. I am not blaming you for this. It is
6 just to show that the pilots have to put up even with your
7 own actions, that they have to be detained on detention,
8 and their revenues are cut down, and there is no compensa-
9 tion for that?

10 A. That is true.

11 Q. Now, on Exhibit 136, I note again, sir,
12 that in the case of the "Sunpolynesia", on page 8 there
13 was only one pilot on board, and I read the note, which
14 I wish to draw the attention of the Commission to: "Used
15 inside route due to adverse weather. One Pilot (A.Warren)
16 agreed with Master despite the distance to be piloted by
17 one man (approx. 222 miles)."

18 This is another fine example of the
19 cooperation which the pilots have been giving to the
20 shipping industry in order not to delay a ship. She was
21 due to go outside. She went part way outside, and came
22 in for shelter, in order not to delay the ship?

23 MR. BIRD: Also a good example, my
24 lord, of the fact that the pilots are prepared to go 220
25 miles without relief.

26 THE WITNESS: We find the pilots very
27 cooperative. We have no complaint about the individual
28 pilots.

29 Q. I thank you very much, sir. Yes, I
30 gather that from your brief, and from your evidence also,



1 that all you desire is to see a way to pay less. Whatever
2 method is found, you couldn't care less, as long as the
3 cost is cut down?

4 A. More precisely, my lord, by the use of
5 one pilot for the passage from McInnes Island to Kitimat,
6 that is our main objective.

7 Q. I saw in one of these sheets forming
8 part of Exhibit 136, that the ship went to the dolphins
9 in Kitimat. Are these your company's dolphins?

10 A. Yes, sir.

11 Q. And would the ship go there because the
12 berth is not free ?

13 A. That is right.

14 Q. Is it not a fact that your original
15 plans at Kitimat for your harbour facilities envisaged the
16 construction of double berths that could accommodate four
17 ships, but this was not carried out?

18 A. It was considered. It was discussed,
19 but what consideration was given to it I am not in a
20 position to say. I know it was discussed, but whether the
21 company ever gave it serious consideration, or what stage
22 of development at Kitimat it depended upon, I am not in a
23 position to answer.

24 Q. Is it not a fact that the plan for
25 double berths was submitted to the pilots?

26 A. I couldn't be sure.

27 Q. Is it not a fact, sir, that some of
28 the delays, at least in Kitimat, are due to lack of available
29 berths?

30 A. Yes.



1 Q. On page 2 of Exhibit 136, Mr. Burke,
2 I see that two pilots were detained for six days. Would
3 you know what were the special circumstances?

4 A. Well, the detention time there was the
5 25th of January, the pilots having left the ship at
6 Kitimat at ten o'clock in the morning, and the 26th, the
7 27th and the 28th of January, while they waited at Kitimat.
8 She sailed on the 29th. Another day's detention in
9 Kitimat, at 1300 hours. Then the balance of the detention
10 was between McInnes Island and Cape Beale. The fact that
11 the pilots were detained at Kitimat from the 25th until
12 the 29th is unusual. I can't be sure why, except that I
13 know it was in January, and I would assume that it was
14 because of uncertain weather.

15 Q. Have you figured out, sir, what would
16 be the saving to your company resulting from the establish-
17 ment of an additional pilotage station in the northern
18 section of the sector of the Pilotage District of British
19 Columbia?

20 A. No, sir.

21 Q. You have not. Have you got an idea
22 that the saving will be substantial?

23 A. We believe that it would be, if we were
24 able to avoid detention charges, and travelling expenses,
25 yes, we would believe it would be substantial.

26 Q. But this would not cut down on the
27 detention charges in Kitimat, where pilots have been
28 detained up to seven days, would it?

29 A. No. It would have no bearing on deten-
30 tion charges in Kitimat.



1 Q. It would merely save on detention from
2 Cape Beale to McInnes Island?

3 A. That is right, sir.

4 Q. Do you have any personal knowledge of
5 the locations suggested on pages 7 and 8 of your brief?
6 You suggest there New Bella Bella, Trush Island, Butedale,
7 Pine Island and Bull Harbour?

8 A. I have never been to any of those
9 places.

10 Q. Then you are in no position to tell
11 the Commission as to whether or not any shelter is avail-
12 able there for boarding ships?

13 A. No, sir.

14 Q. On page 8 of your ---

15 THE CHAIRMAN: Excuse me. Will there
16 be any evidence brought on that point, because I don't
17 see how we could go about that. We will have to dig it
18 up. We will have to get our own evidence on that, if we
19 have to pass on that.

20 MR. BIRD: Yes, my lord. I think that
21 it was felt that that was a matter that would have to be
22 considered by the Department, because there were so many
23 factors that couldn't possibly be provided, or information
24 could be provided by the Aluminum Company or others,
25 because of communications, landing strips, and so forth.
26 The availability of pilot boats, residences for pilots,
27 so many things. These places were merely suggestions which
28 the Commission might wish to examine.

29 THE CHAIRMAN: And we can do that on
30 our way down the day after tomorrow?



1 MR. LANGLOIS: I would have no objec-
2 tion, my lord, to having Capt. Gosse take the stand and
3 tell us what he thinks of these stations.

4 MR. JACQUES: That has really been
5 done by Capt. Gosse, I believe, in Vancouver.

6 THE CHAIRMAN: To a certain extent. It
7 was spoken on New Bella Bella, but not on the others.

8 MR. LANGLOIS: No, because page 8 was
9 missing in the copy we had.

10 THE CHAIRMAN: We will resume tonight
11 at seven o'clock.

12
13 ---At 5:10 p.m. the hearing adjourned until 7:00 o'clock.
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1 ---On resuming at seven p.m.

2

3 Q. Mr. Burke, I would have thought that
4 Saguenay Shipping is in the ocean freight shipping business
5 besides carrying the product of Alcan.

6 A. I am sorry ---

7 Q. I understand that Saguenay Shipping is
8 in the ocean freight shipping business?

9 A. Yes.

10 Q. Do you belong to any conference lines?

11 A. No, sir.

12 Q. In other words, you are competing with
13 ocean freight ships operating in the ocean freight business?

14 A. Yes.

15 Q. What is your turnover of masters on
16 board your ships?

17 A. I am afraid I can't answer that comple-
18 tely. My own experience has been that in recent years, in
19 the last ten years --- no, the last five years --- there
20 has been very little turnover of masters.

21 Q. Could you tell the Commission as to
22 whether or not Alcan would be prepared to accept that the
23 waters leading to Kitimat be free from compulsory payment
24 of pilotage dues or compulsory pilotage?

25 A. I believe that Alcan would welcome the
26 cancellation of compulsory payment of pilotage dues into
27 Kitimat.

28 Q. Would Alcan be prepared to accept this
29 idea even if no licensed pilots were available?

30 A. No.



1 Q. Your answer is no?

2 A. That is right.

3 Q. In other words, you would be prepared to
4 see your ship be exempt from payment of pilotage dues
5 provided that there is an adequate pool of pilots available
6 whenever your masters wish to take a pilot?

7 A. Yes, that is right; we would like to
8 have the privilege of using pilots if we deemed it desirable.

9 Q. Would you mind telling the Commission
10 how you would envisage the providing of pilots whenever
11 your masters need them? I mean by that, who would maintain
12 the pooling of pilots from which you could draw whenever
13 you wanted to? Who would maintain this pool of pilots?
14 Have you any idea on this?

15 A. No, sir, I haven't. I would assume
16 that the situation which exists today would be carried on
17 with respect to the pool of pilots, but that the ships
18 would be free to take or not take pilots as the particular
19 master saw fit.

20 Q. In your own mind, should this pool be
21 provided at the expense of pilots or the Government?
22 Somebody would have to pay for the payment of such a pool.

23 A. I would say that the revenues derived
24 from the entire pilotage district of British Columbia would
25 be such that they could operate in this fashion, with the
26 ships taking or not taking pilots as they so desire.

27 Q. If the B.C. Coast Pilots were to take,
28 say, ten additional pilots in order to maintain an adequate
29 pool from which you could draw when you feel like it, do
30 you mean by that that they would have to pay for that out



1 of their own revenues without an increase in their earnings?

2 A. I don't know whether they would be
3 prepared to pay it out of their own present revenues with-
4 out an increase.

5 Q. Should they be asked to do that?

6 A. I couldn't say that.

7 Q. Would your company be prepared, in the
8 event of the District being open --- and I mean by that
9 the ships being exempt from the payment of pilotage dues --
10 would your company be prepared to supply its own pilots
11 and pay for them, of course?

12 A. I don't believe so.

13 Q. In your brief, sir, you state that you
14 have sought the opinion of your nautical advisors. Would
15 you mind telling the Commission who they are?

16 A. Yes. They are our Technical Department
17 at our head office in Montreal, where the statistics are
18 kept, and who offered these opinions you see in the brief
19 to Alcan.

20 Q. Have these nautical advisors ever had
21 experience on the west coast of Canada?

22 A. Yes, our Marine Superintendent at
23 Montreal, Capt. Sabinski, has been in and out of Kitimat
24 a great number of times as master.

25 Q. Should an additional northern station
26 be established, would it be your company's policy to station
27 your supercargoes there, at New Bella Bella, or whatever
28 it is?

29 A. No, sir.

30 Q. So Capt. Sabinski would have no opportunity



1 of being appointed at a new station at Bella Bella?

2 A. I don't think so.

3 Q. Is it not a fact that if a station were
4 to be opened at New Bella Bella or other places which
5 have been mentioned, that considerable expense would have
6 to be incurred in order to provide lodging for the pilots?

7 A. Yes, sir.

8 Q. Who should pay for that? The pilots or
9 the Department of Transport?

10 A. I don't know who should pay for it.

11 Q. Now, sir, if the B.C. pilots would be
12 prepared to station a sufficient number of resident pilots
13 at Prince Rupert, would your company be ready to make a
14 greater use of the Triple Island station?

15 A. For ships approaching from the south
16 to Kitimat?

17 Q. Yes.

18 A. No, sir.

19 Q. And for ships approaching from the
20 north?

21 A. Yes.

22 Q. Even if additional pilots were stationed
23 at Prince Rupert, you don't expect that your company would
24 be making a greater use of Triple Island boarding station?

25 A. Not of making more use of Triple Island
26 station, no, sir.

27 Q. As a matter of fact, it would be exactly
28 the same thing as you use them now?

29 A. Yes.

30 THE CHAIRMAN: Whether they came from



1 Vancouver or Triple Island wouldn't they change your
2 pattern at all?

3 THE WITNESS: That is right, sir.

4 Q. Before the adjournment at five o'clock
5 I asked you about your dolphins at Kitimat. You said they
6 were owned by your company?

7 A. By the Aluminum Company of Canada, yes.

8 Q. Would you mind telling the Commission
9 the charge for the use of the dolphins?

10 A. I think from memory it is \$200.00, flat
11 fee.

12 Q. Would you be in favour of this northern
13 portion of the B.C. Coast Pilotage District becoming a
14 separate pilotage district?

15 A. Well, that hadn't occurred to me. I
16 don't think I have given sufficient thought to that
17 possibility to be able to give you an answer.

18 Q. I understood from an answer which you
19 gave me before the recess that you are recommending the
20 establishment of a northern pilotage station, one additional
21 station, I should say, but you have no idea of the saving
22 in expenses and pilotage costs which would be derived
23 therefrom for your company?

24 A. I have no idea of the amount; I haven't
25 made the calculation. But I can readily see that there
26 would be a substantial saving.

27 Q. Isn't it true that you could derive a
28 saving from the point of view of an additional station
29 provided you could find a spot where your ships could be
30 boarded in all kinds of weather? Is that not a fact?



1 A. Yes, that would be desirable.

2 Q. Is it not also a fact that they have
3 very few sheltered spots in the area where you are suggest-
4 ing that a station could be established, where you would
5 have sheltered waters?

6 A. I have been led to believe that. I
7 have no personal knowledge. But in our first meeting with
8 the B.C. pilots in 1952, the pilots suggested that a
9 northern station could be considered. Klemtu was mentioned
10 as a place for a pilot boat, not a boarding station.

11 Q. This is not one that is suggested in
12 your brief?

13 A. No.

14 Q. This is a new location?

15 A. Yes, sir.

16 Q. Would a station at Klemtu be of any
17 use to other ships than those going into Kitimat from the
18 south?

19 A. Possibly --- Jedway.

20 Q. Is it not quite a bit inside?

21 A. Well, the pilots wouldn't board at
22 Klemtu. The pilot boat would be stationed there and they
23 would go out through the channels to meet the ship in the
24 vicinity of McInnes Island.

25 Q. What would be the distance from Klemtu
26 to where the ship would be boarded?

27 A. I can't tell you the distance, sir.

28 Q. In your brief, sir, you state that a
29 pilot has to work an average of between eight to ten hours,
30 it is not too hard on him, it is not too excessive. Would



1 you tell the Commission how many employees you have in
2 your employ working eight hours or more without a break,
3 or do you have any?

4 A. In the office we have a staff of three,
5 including myself, my stenographer. The stenographer works
6 eight hours a day with a meal break, I work as many hours
7 a day as required with meal breaks, and our cargo superin-
8 tendent will work up to sixteen hours a day with meal
9 breaks.

10 Q. Would you compare secretarial people
11 in an office with a man on the bridge of a ship?

12 A. No, sir.

13 Q. It doesn't require the same amount of
14 concentration?

15 A. It depends on the job that the secretary
16 happens to be doing.

17 Q. Besides the ordinary meal breaks there
18 are coffee and tea breaks in an office?

19 A. Yes, that is true.

20 Q. Mention was made, Mr. Burke, this
21 morning of the charters under which these Norwegian ships,
22 I think, are hired to your company. Would you have any
23 objection to filing a sample of one of these charters? You
24 can take out of the charters the information you don't
25 want to divulge. But would you be able to file samples
26 of these charters?

27 A. I can relay your request to our head
28 office, but I am not authorized to divulge information of
29 this nature without their permission.

30 MR. BIRD: My lord, I would like to take



1 the position that I think my friend is getting outside the
2 terms of reference here. The Aluminum Company is prepared
3 to provide all information that the Commission considers
4 to be relevant, but terms of the charter parties I don't
5 think has anything to do with the problem we are faced
6 with. What we are concerned with are pilotage costs, and
7 pilotage costs has been alleged to be an item in the cost
8 of transportation. What the other items in the costs of
9 transportation are I would suggest are not the concern of
10 this Commission, nor are those items necessary to enable
11 this Commission to make a decision or to make recommendations.

12 Now, I wish to take that position.

13 Naturally, we will do all that the Commission requires of
14 us, but I think ---

15 THE CHAIRMAN: We have not requested it
16 as yet.

17 MR. BIRD: If the terms of the charter
18 parties are required, I would have to take instructions.
19 My clients will certainly not wish to present obstructions
20 to this inquiry.

21 THE CHAIRMAN: There is no doubt that
22 there may be many kinds of charter parties, so therefore
23 this is not going to change the overall picture. I don't
24 see how relevant it is.

25 MR. LANGLOIS: I repeat, my lord, what
26 I said this morning. All this emphasis on costs of
27 operating ships and the so-called excessive burden of
28 pilotage was brought in by my learned friend and not by the
29 pilots, and emphasis has been laid on this so-called
30 excessive burden of detention of pilots, they are paid



1 \$36.00 a day, and in this charter party this morning I
2 asked the witness who was on the stand, Mr. Connolly, about
3 dispatch money and he told me that they don't have this
4 information, and that is the only reason why I am asking
5 for a sample of the charter party to be filed. It has
6 a bearing on the evidence which was put into the record
7 not by the pilots, but by Alcan. Surely Alcan doesn't
8 want to have everything on its side.

9 THE CHAIRMAN: They are giving that
10 information. It is up to them to finish the facts. If
11 they don't finish their facts, then they are not proving
12 their contention. The only information we have right now
13 about this is with regard to a ton of aluminum at only
14 a fraction of a cent, one-tenth and a half of a cent.

15 MR. JACQUES: Per pound.

16 THE CHAIRMAN: Of a cent per pound.

17 MR. JACQUES: Yes.

18 MR. LANGLOIS: I wish your lordship to
19 take note that when I brought up this question of dispatch
20 money my friend said I was asking the question of the wrong
21 witness and another witness was prepared to give the
22 information, and now when I want the information there is
23 an objection.

24 THE CHAIRMAN: I don't think it is
25 necessary that we have to have it in our terms of reference.
26 There is a complaint that the pilotage costs are excessive
27 in relation to their costs, so either they prove it or do
28 not prove it. If they don't prove the facts, then it is
29 not proven.

30 MR. BIRD: I gather, too, my lord, that



1 my friend's request relates only to dispatch money with
2 regard to these charter boats. I will take under considera-
3 tion as to whether my clients will give information as
4 regards dispatch.

5 THE WITNESS: May I get clarification?

6 I was under the impression that you referred to time
7 charters. The Aluminum Company of Canada doesn't charter
8 any ships to the best of my knowledge. I represent Saguenay
9 Shipping Limited, a subsidiary company of the Aluminum
10 Company of Canada. We operate separately and independently
11 of the Aluminum Company of Canada. We negotiate rates
12 with them just the same as any outside line on a competi-
13 tive basis. The Aluminum Company of Canada doesn't know
14 anything about our charter parties. The directors may
15 know, but certainly the traffic people don't. Saguenay
16 Shipping Limited, the shipping arm, charters the ships and
17 then we dicker with the Aluminum Company as to rates.

18 MR. BIRD: If I may ask a few questions
19 for clarification.

20
21 BY MR. BIRD:

22
23 Q. Do you charter vessels on a voyage
24 charter basis?

25 A. No.

26 Q. Are they all on a time basis?

27 A. Yes.

28 Q. Except those that are owned by the
29 company?

30 A. That is right.



1 Q. Does a time charter provide for dispatch?

2 A. No.

3 MR. JACQUES: Do you use a standard
4 form on time charters?

5 THE WITNESS: New York Charter Exchange
6 Form.

7 MR. BIRD: Of course, there is no
8 dispatch on these time charters, as my friend is well
9 aware.

10 THE CHAIRMAN: So we are glad in any
11 event that you brought up the question, because it helps
12 us to clarify our situation also.

13 MR. JACQUES: If it please the Commission,
14 I have several copies of these forms at my office, and I
15 could provide the Commission with a model, perhaps not as
16 an exhibit, but for the benefit of the Commission.

17 THE CHAIRMAN: You may as well put it
18 in as an exhibit, because therefore it is going to be
19 there for everybody to see.

20 Q. Then, sir, if this point has been
21 clarified, how can you explain the statement on page 4 of
22 your brief, when you say that: "Pilotage costs incurred
23 by ship operators are passed on in the cost of freight
24 paid by the owners of the cargo"? If you are using only
25 time charters in the case of Saguenay Shipping ships?

26 A. Well, any berth cost that a ship has
27 to bear is reflected in the freight rates quoted to the
28 shippers. What is meant there I think is that when you
29 ask a line to go to Kitimat to load metal, they sit down
30 and figure the port charges, and they say: "Our rate is X



1 dollars per ton", so that they take into consideration
2 all the port charges. If the pilotage rates are ----

3 Q. But in a time charter such charges
4 would be borne by the owner of the ship?

5 A. No, by the time charterers. Ourselves,
6 when we charter a ship, we pay all charges and crew. The
7 owner feeds the crew, but we operate the ship and pay the
8 fuel charges ---

9 Q. Then I assume that when you deal with
10 Alcan, that you add that to your freight charges, whatever
11 you pay in pilotage cost. Is it not a fact?

12 MR. BIRD: You are asking him as Saguenay
13 Shipping?

14 Q. Yes?

15 A. Yes, when freight is offered in any
16 part of the world you put down on paper an estimate of
17 your steaming charge and port charges, and your costs to
18 be anticipated, to arrive at what you consider to be the
19 proper freight rate, allowing a fair margin of profit.

20 Q. And I understand that the Saguenay
21 Shipping vessels are not chartered to Alcan?

22 A. No, sir.

23 Q. On the same page in your brief, page
24 4, you state: "The pilotage charge in this instance is
25 equivalent to eight percent of the freight"?

26 A. Yes, sir.

27 Q. What freight are you talking about?
28 Is that generally speaking?

29 A. As referred to in the earlier part of
30 that paragraph, the freight rate is considered to be



1 approximately \$21.00 per short ton on an average.

2 Q. That is an average?

3 A. Yes, sir.

4 Q. It could be higher than that?

5 A. Yes, sir.

6 Q. And the eight percent is taken on the
7 average of \$21.00 per ton?

8 A. That is right.

9 Q. But if the freight rate should go up,
10 then it is much less than 10%?

11 A. Yes, sir.

12 Q. And this eight percent is taken on the
13 pilotage charge of \$1,178.44, which is your Exhibit A?

14 A. That is right.

15 Q. And this includes boat charges, pilot
16 boat charges?

17 A. Yes, all expenses.

18 Q. By the way, this pilot boat charge
19 would not be affected by the establishment of a northern
20 station, would it?

21 A. We wouldn't expect it to be, no, sir.

22 Q. On page 5, I am coming back to what you
23 said a while ago regarding pilotage cost being passed
24 along to the ship operator, you make the following recom-
25 mendation, you make rather the following observation:
26 "That present pilotage costs place an unreasonable and
27 unnecessary burden upon Alcan and the ship operator and
28 that even the expense of one Pilot is excessive for the
29 work performed".

30 Well, I understand from your testimony



1 that if you take the pilotage cost in your dealings with
2 Alcan, in the long run it is Alcan that pays the shot, not
3 the operator, is that not a fact?

4 A. That would be true.

5 Q. So the operator should be left out of
6 this sentence that I have just read. The burden cannot be
7 placed on the shoulders of both of them?

8 A. Well, of course when you say shipping
9 costs are up, your margin of profit is reduced, so that
10 perhaps it costs Alcan more, and the ship operator more.

11 Q. Do you pass the charge, holus bolus,
12 to Alcan, or do you retain part of it for yourself?

13 A. No, we pay all the charges ourselves.

14 Q. But when you quote a freight rate to
15 Alcan you take account of that charge that you have to pay
16 for pilotage?

17 A. We take account of all expenses.

18 Q. So the burden is passed along to Alcan?

19 A. To the shipper, yes.

20 Q. And the shipper passes it along to the
21 consumers? Is it not the law of economics?

22 THE CHAIRMAN: That is a chain reaction.

23 THE WITNESS: If the products can be
24 sold. Otherwise the sale is lost because of the high cost.

25 Q. On the bottom of page 5, sir, you have
26 your recommendation that one pilot only be required for
27 pilotage duty on a ship inward and outward bound for
28 Kitimat. I take it this is confirmation of the answer you
29 gave me a while back when I asked you if you would be
30 ready to dispense with a pool of pilots, from which you



1 could draw whenever you felt like it? Is that correct?

2 A. Yes, sir, my answer then was no, we
3 wouldn't.

4 Q. Now, sir, on page 7 you state, I quote
5 from the last sentences of the first paragraph on page 7:
6 "Thus, operators are penalized because of the number of
7 hours which a Pilot is detained on board in non-pilotage
8 waters. Such detention expenses and subsistence costs
9 would be substantially reduced if a Pilot Station were
10 located closer to Kitimat". Is it not a fact, sir, that
11 the expression that the operators are penalized is not
12 quite accurate, since the operator is saving in steaming
13 time in having a pilot on board from Cape Beale, instead
14 of taking his pilot here at Triple Island?

15 A. A ship is not saving anything if he
16 deviates from the most direct route that is available. If
17 a ship came to Triple Island to pick up a pilot, yes, he
18 would save on detention time, but he would add a day and a
19 half in ship's time and bunkers.

20 Q. Yes. You have to take the pilot stations
21 as they are today. If the pilot didn't consent to go on
22 board at Cape Beale, and required the ship to come to
23 Triple Island, you would have to cover a greater distance
24 to get your pilot. Is it not a fact?

25 A. That is a fact, but it is not complete,
26 inasmuch as the pilots agreed before the port of Kitimat
27 went into operation that the boarding station would be
28 Cape Beale, and that was the basis on which we considered
29 sending ships in. By the same token we could pick a pilot
30 up at Brothie Ledge, and go up the inside passage and



1 save detention charges, but we would be paying a lot more
2 for piloting.

3 Q. You say the pilots agreed. Would you
4 be prepared to add that they agreed for the convenience
5 of shipping?

6 A. It didn't occur to me at that time that
7 it was for the convenience of shipping. There are an
8 awful lot of ships going into the port of Alberni.

9 Q. Now, sir, in your brief you have
10 Exhibit A, where you give the pilotage cost for the
11 "Sunek". There is one thing, sir, I am not criticizing
12 your figures there, but there is one question. I wonder
13 why you have in the inward pilotage cost the item of
14 \$16.25. Three items. You have an expense, \$16.25. Then
15 you have \$16.25 when you have two pilots. But why have
16 you \$16.25 again after your first total? What does it
17 represent?

18 A. It looks to me like an error, a
19 duplication of the \$16.25 charge. That may have been left
20 out of this total. Can I check this total, and see if we
21 have added it in twice?

22 MR. BIRD: Yes, my lord. It is left
23 out.

24 MR. LANGLOIS: It is an error on the
25 adding machine which was corrected?

26 THE CHAIRMAN: It was a pencil correc-
27 tion.

28 THE WITNESS: The answer is that one
29 pilot didn't show his expenses on the inward card, and the
30 total had been calculated, and then we decided that we



1 would split the pilots' expenses, to give the same as the
2 pilot who had shown his expenses as \$16.25, proportionate
3 to the inward and outward. In the meantime, the total
4 had been run off, so it was added to the sub-total.

5 Q. Unless this information is provided
6 elsewhere in the exhibits that you have filed, would you
7 have any objection to providing the Commission with the
8 amount of cargo carried by the "Sunek" on that trip, both
9 in and out?

10 A. The information isn't immediately
11 available, but there would be no objection to providing
12 that information.

13 Q. You have it available?

14 A. No, I don't have it available, but it
15 can be provided.

16 MR. BIRD: My lord, if it might come
17 into the record this way. I am instructed that the
18 "Sunek" on December the 22nd, 1962, brought into Kitimat
19 17,692.6 short tons of alumina, and that she took out
20 nothing.

21 MR. LANGLOIS: Would the same informa-
22 tion be available in connection with Exhibit C, for the
23 "Sunpalermo", on January the 31st, 1963?

24 MR. BIRD: My lord, I am instructed that
25 the "Sunpalermo" in early February, 1963, brought into
26 Kitimat 13,530.6 short tons of alumina. She loaded at
27 Kitimat, and took out 5202.7 short tons of metal, that is
28 aluminum ingot.

29 THE CHAIRMAN: But to make sure again,
30 the example that is given on Exhibit C is not an in and out.



1 It is just one way?

2 MR. BIRD: Yes, sir.

3 MR. LANGLOIS: Yes, my lord. It is
4 just one passage. We have the pilotages for the passage
5 out of Kitimat.

6 THE CHAIRMAN: That is right, in Kitimat
7 inward.

8 MR. LANGLOIS: That will be all, Mr.
9 Burke, and I thank you, but I hope that you will be able
10 to supply the Commission with the information I requested
11 in regard to the charters generally speaking at Kitimat?

12 THE WITNESS: Yes, sir.

13
14 RE-EXAMINED BY MR. BIRD:

15
16 Q. Mr. Burke, as an experienced ship
17 operator, what have you to say as to whether the expenses
18 of a port, that is the expenses that a ship incurs in going
19 into a port, loading her cargo, and discharging on that
20 type of call makes it more or less desirable for ships to
21 call at that port?

22 A. Yes, there is no question but that a
23 ship operator will look closely at any ports that might be
24 offering cargo and consider the costs of that port, and
25 those that are earmarked as expensive ports he will take
26 a second look at, or he won't call at. There are a
27 number of ports I know, that our company refrains from
28 using because of the high charges.

29 Q. If a port becomes what in the shipping
30 fraternity, what we call an expensive port, what is



1 necessary in order to encourage ship operators to go to
2 such a port?

3 A A reduction in port charges.

4 Q. Or?

5 A When I say port charges, I mean pilotage
6 charges, which are part of port charges, considered port
7 charges.

8 Q. Yes, and what on the other side would
9 balance that?

10 A. Increased freight rates.

12 RE-CROSS-EXAMINATION BY MR. LANGELOIS:

13
14 Q. Is it not a fact, Mr. Burke, that in
15 the case of Kitimat the aluminum interests are everything.
16 They are the ship operators, the shipowners, the dock
17 operators, and the shippers at the same time, so the
18 situation described by Mr. Bird would not arise. Is that
19 not a fact?

20 A. Well, they don't have captive outlets
21 for their metal. They do deal with outside lines in
22 shipping their metal, and of course they deal with strangers
23 in shipping their metal.

24 MR. BIRD: Without admitting for a
25 moment what my learned friend has said, would his suggestion
26 to you apply to ships which are not managed by Saguenay
27 Shipping?

28 THE WITNESS: I am afraid I have not
29 got that.

30 --- (Mr. Bird's question is read back by the Reporter.)

THE WITNESS: No.



1 MR. LANGLOIS: She is likely to be
2 chartered by Saguenay Shipping, though.

3 COMMISSIONER SMITH: When you speak of
4 port charges, I presume that you are referring exclusively
5 to the charges against the ships. In Vancouver you have
6 a cargo rate charge of three cents a ton on the cargo,
7 which I suppose would be classified as a port charge?

8 THE WITNESS: It was not what I intended
9 to convey. The cargo rates, as well as wharfage and
10 handling charges in Vancouver are absorbed by the shipper,
11 or receiver of the cargo. What I meant by port charges
12 was those which you would expect a shipowner would expect
13 to pay in calling at a port, as opposed to cargo expenses,
14 that is pilotage tugs, side wharfage, Customs, Immigration,
15 charges of that nature, which you would expect of any
16 ship, whether she was loading cargo or not. Those are
17 port charges.

18 MR. JACQUES: Sir, I don't recall
19 whether he mentioned it or not, but the Saguenay-operated
20 vessels, what flag do they fly? I think you answered that
21 question already.

22 THE WITNESS: Yes, sir. They fly the
23 British and the Liberian flag. Four British, four Liberian,
24 and the time-charter ships which we operate could be any
25 flag. However, they are generally Norwegian, Italian,
26 and British.

27 MR. JACQUES: Has your company any
28 general policy with regards to the use of pilots, whether
29 it be in Canada or elsewhere?

30 THE WITNESS: I think that our company,



1 like most steamship operators throughout the world,
2 expects to use pilots in pilotage waters.

3 MR. JACQUES: Would you tell the
4 Commission whether the majority of these ships calling at
5 Kitimat for loading go there to top off? That they have
6 already part cargo on board?

7 THE WITNESS: I can only speak for our
8 own ships. The ones we operate, the majority call there
9 either to discharge with full cargoes, to discharge or
10 empty. To load, or with full cargoes to discharge and
11 then load. Not to top off.

12 MR. LANGLOIS: The liners do though?

13 THE WITNESS: Yes, those are ships that are not
14 operated by us.

15 MR. BIRD: But do the liners load north
16 about as well as south about?

17 THE WITNESS: Yes, they come in from
18 Japan sometimes to load. Other times they will proceed
19 to the Orient by Kitimat.

20 MR. JACQUES: So for your ships it is
21 a full load?

22 THE WITNESS: Not with metal. A full
23 load inward and loading with parcels at Kitimat to complete
24 with other cargoes elsewhere.

25 MR. JACQUES: And liners?

26 THE WITNESS: Liners also are loading
27 parcels, to complete with other cargo before or after the
28 parcels.

29 MR. JACQUES: Now, sir, I should like
30 your opinions, rather than the facts, on various questions.



1 What does your company consider to be the duties of
2 pilots?

3 THE WITNESS: Our company considers the
4 duty of pilots to give the master the benefit of the
5 knowledge they have with respect to the pilotage waters in
6 which they are licensed pilots. That is, to make the
7 master aware of local conditions of tides, obstructions,
8 or any hazards, and to con the ship while traversing the
9 pilotage waters.

10 MR. JACQUES: I daresay, sir, that your
11 company is aware that in nearly all the places in the
12 world the pilot actually takes over the navigation of the
13 ship. He gives orders to the wheelmen, or to the mate
14 on watch, as regards any movements?

15 THE WITNESS: Yes, sir.

16 MR. JACQUES: Your company is aware of
17 that?

18 THE WITNESS: Yes, sir.

19 MR. JACQUES: Has your company any
20 objection to this method of doing the pilot's work?

21 THE WITNESS: No, sir.

22 MR. JACQUES: It has not?

23 THE WITNESS: No, sir.

24 MR. JACQUES: What is the opinion of
25 your company as regards the status of a pilot on board the
26 ship? Does it consider him the employee of the master,
27 or an independent contractor, or perhaps the employee of
28 the Pilotage Authority? How do they consider the pilot?

29 THE WITNESS: I would say they probably
30 consider the pilot as a contractor. They don't relieve the



1 master. Our company does not relieve the master of
2 responsibility at any time. He is responsible for the
3 safety of the ship, whether or not there is a pilot on
4 board, and he engages the pilot to obtain the pilot's local
5 knowledge, which would eliminate any unnecessary risks in
6 operating in inland waters.

7 MR. JACQUES: Does your company feel
8 that the technical standards of B.C. pilots is adequate?

9 THE WITNESS: Yes, sir. As a matter of
10 fact, our masters that I have had occasion to talk to
11 regard B.C. pilots very highly, and we are quite satisfied
12 that the B.C. pilots are good pilots, even to the extent
13 that we are quite confident that there would be no extra
14 risk if one pilot took a ship into Kitimat.

15 MR. LANGLOIS: There again we have
16 perfection, my lord.

17 MR. BIRD: My lord, I have just one
18 question. I believe Mr. Langlois asked you certain
19 questions with respect to the availability of the berth
20 at Kitimat when ships were northbound and coming, or
21 approaching. Are you able to tell the Commission the
22 berth occupancy, or the five-year average so far as
23 berth occupancy is concerned during the last five years?

24 THE WITNESS: Yes, I have been advised
25 by the wharf operators at Kitimat that the berth has been
26 occupied on an average of 43% of the time during the
27 past five years.

28 COMMISSIONER SMITH: Mr. Burke, would
29 you agree that the fundamental principle of pilotage is
30 the safety of lives and shipping?



1 THE WITNESS: Yes, sir.

2 MR. JACQUES: This completes the
3 hearing in Prince Rupert. I don't see anyone from Prince
4 Rupert here. Anyway, for the record I wish to thank the
5 people of Prince Rupert for the cooperation you have given
6 us during this hearing.

7 THE CHAIRMAN: So now the Commission
8 will adjourn to Monday next, the 25th, at New Westminster.

9 MR. BIRD: I should like to say, my
10 lord, that I regret I will not be there on the Monday. I
11 hope to be there later in the week, and that the Chamber
12 of Shipping will be represented at that hearing by Mr.
13 Stuart Clyne of my firm.

14 MR. LANGLOIS: My lord, I am not sure
15 that my learned friend will agree with me, but I wish the
16 Commission a happy sea voyage, and a happy landing in
17 Vancouver.

18 MR. JACQUES: With Capt. Gosse there is
19 no doubt that they will get there.

20
21
22 ---At 8:15 p.m. the hearing adjourned until Monday, March
23 25th, at New Westminster.

24

25

26

27

28

29

30

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

NEW WESTMINSTER
B.C.

VOLUME No.:

11

DATE:

MARCH 25 1963

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Courthouse Annex,
New Westminster, British Col-
umbia, on the 25th day of
March, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. Gilbert W. Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.	

Mr. Leopold Langlois, Q.C.,	for the Canadian Merchant Service Guild and for the Pilots of the Pilot- age District of New Westminster (Fraser River).
Mr. J. S. Clyne	for Vancouver Chamber of Shipping
Mr. W. T. Hunter	for New Westminster Harbour Commissioners
Mr. R. N. Monroe	for Pacific Coast Term- inals Company Limited
Mr. H. P. Legg	for Crown Zellerbach Building Materials Limited

Also Present:

Capt. F. S. Slocombe, Department of
Transport and liaison Officer

Capt. J. S. Scott, Technical Advisor
to Commission.

* * *



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1 ---On Commencing at 10:00 A.M.:

2

3 MR. JACQUES: My lord, I will call Mr. Warren.

4

5 JACK WARREN, Sworn.

6 THE SECRETARY: What is your name?

7 THE WITNESS: Jack Warren.

8 THE SECRETARY: Your address?

9 THE WITNESS: 213 Seventh Avenue, New Westminster.

10 THE SECRETARY: And your occupation?

11 THE WITNESS: Secretary.

12 THE SECRETARY: Of?

13 THE WITNESS: New Westminster Pilotage Authority.

14 MR. JACQUES: My lord, I should file first the
15 New Westminster Pilotage District General By-law as Exhibit
16 number?

17 THE SECRETARY: 146.

18 MR. JACQUES: And also chart number 3430 as
19 Exhibit number 147 and chart 3431 as Exhibit 148.

20

21 ---EXHIBIT NO. 146: General By-law of New
22 Westminster Pilotage
District.

23 ---EXHIBIT NO. 147: C.H.S. Chart number 3430.

24

25 ---EXHIBIT NO. 148: C.H.S. Chart number 3431.

26

27 MR. JACQUES: Now, I should like to file
28 certified copies of the annual reports of the Local
29 Authority for the years 1962, 1961 and 1960. The
30 previous reports for the years 1959 and 1958 will be



1 filed later on. These reports show the name, date of
2 appointment, age and amount earned by each pilot, the
3 total tonnage handled by the pilots and also a detail
4 of the expenditures incurred by the Authority. This
5 bundle will be Exhibit number 149.

6
7 ---EXHIBIT NO. 149:

Annual reports of Local
Authority, (New West-
minster) for the years
1962, 1961 and 1960.

8
9
10 DIRECT EXAMINATION BY MR. JACQUES:

11 Q. Now, sir, you are secretary of the Local
12 Pilotage Authority in New Westminster; is that right?

13 A. That is right, yes.

14 Q. How long have you occupied that function?

15 A. Since February 1st, 1952.

16 Q. Would you briefly describe to the
17 Commission what books you keep for the Pilotage Authority?

18 A. Well, we have a register of assignments,
19 being a record of all jobs, ships.

20 Q. Would you speak a little louder, please?

21 A. A record of all assignments that the
22 pilots are given, ships piloted inward, outward, movages
23 in the harbour, and so forth.

24 Q. Have you brought that book with you?

25 A. Yes, I have the book with me.
26 This is the current book covering the current year, and
27 also previous years.

28 Q. Referring to this book which we have just
29 mentioned, I see that in the left-hand column there is
30 a series of consecutive numbers. Would you care to explain



1 what these numbers mean?

2 A. Yes. They are numbers, starting from the
3 first of January with number one, the first vessel
4 entering the harbour on that date, and following through
5 consecutively showing the number of ships that have
6 arrived, and in the right-hand page the number of sailings.

7 Q. So we have there a series of consecutive
8 numbers, one for arrivals and one for sailings?

9 A. That is right.

10 Q. And now the next column gives the name
11 of what appears to be ships; is that correct?

12 A. That is the name of the vessels for either.

13 Q. And then there is a date in the third
14 column which is presumably the date of arrival or sailing?

15 A. That is right.

16 Q. In the last column there is a name which
17 appears to be the pilot's name?

18 A. Yes, that is right, the name of the
19 particular pilot who performed that particular pilotage
20 job.

21 Q. This book is divided. Would you explain
22 the division of this book to the Commission, please?

23 A. Well, at the front of the book we have
24 the arrivals and departures for the year 1962. Then we
25 carried on to 1963 in the same book and right up to the
26 current date.

27 Q. So these are pilotages in and out?

28 A. Yes. The next division covers the ships
29 or movages within the harbour from one dock to another
30 or from an anchorage to a dock.



1 Q. For what year?

2 A. This covers 1962 and up to the present
3 date in 1963. Then the next division covers any charges
4 for detentions, cancellations and bridge charges, charges
5 for transferring railway goods.

6 Q. For what years?

7 A. These are for 1962 and for 1963 to date
8 also.

9 Q. Prior to 1962 did you keep such a book?

10 A. Yes, we have the record back as far as
11 1930, I believe.

12 Q. Are these books in similar form to the
13 present one?

14 A. Yes, the same form.

15 Q. Do they contain similar information?

16 A. Yes.

17 Q. Now, sir, I understand that the Pilotage
18 Authority collects the pilotage dues and pays out certain
19 expenses. Have you a book of accounts concerning these
20 collections and expenses?

21 A. Yes, I have. We have the current cash
22 book which covers current receipts and disbursements.
23 These are kept in a monthly record and then transferred
24 to a general ledger.

25 Q. What period of time does this book cover?

26 A. That particular book covers the year 1960
27 through to the present date. Pardon me, 1961, 1962 and
28 up to date in 1963.

29 Q. Prior to 1960 did you keep a similar book?

30 A. Yes.



1 Q. Containing similar information?

2 A. Yes.

3 Q. You also mentioned another book, a ledger,
4 I believe you mentioned?

5 A. Yes, this is the ledger.

6 Q. Would you explain what it contains?

7 A. There are accounts kept here for pilotage
8 dues received, miscellaneous receipts, which would cover
9 charges for pilots' examinations and pilots' licences,
10 a small charge there. Then in disbursements there is
11 a superannuation fund account, Department of Transport
12 pilot boat charges which are collected and submitted to
13 the Department of Transport in Ottawa.

14 Q. I understand they are fees collected by
15 you and forwarded to the D.O.T. because D.O.T. operates
16 the pilot boat?

17 A. Yes.

18 Q. Would you carry on, please?

19 A. Then there is an account for office and
20 general expense, which would cover salary for myself and
21 assistant in the office, postage, pensions, light, rent,
22 supplies, expenses for myself and office staff, telephone and
23 telegraph, laundry, unemployment insurance, legal and
24 audit, Workmen's Compensation Board, bank operating and
25 interest, and miscellaneous charges which cover telephone
26 repairs, and so on.

27 Q. Unemployment insurance, is that strictly
28 for yourself and your assistant?

29 A. That is right.

30 Q. And the pensions which you mentioned in



1 this book, are they pensions for pilots or --

2 A. No, merely for the office staff, assistant.

3 Q. Is that a pension which is provided
4 through an insurance company?

5 A. Yes, through the Mutual Life of Canada.
6 It is contributed to by myself and assistant and partly
7 by the Pilotage Authority.

8 Q. Workmen's Compensation Board, is that
9 for you only and your assistant?

10 A. No, in this case that covers both the
11 office and the pilots.

12 Q. And the pilots?

13 A. Yes. In a breakdown at the end of a year
14 it is divided proportionately, discharged against the
15 pilots and noted in that way in the annual report and
16 in the auditor's report.

17 Q. Can you tell the Commission when and where
18 it covers pilots, this Workmen's Compensation Board?

19 A. Yes. As far as we can a ruling from the
20 Compensation Board, it would cover a pilot from the time
21 he boarded the ship at New Westminster until he left the
22 pilot boat at Steveston. When he steps on to the dock
23 he is no longer covered. Or in reverse, when he gets
24 on board the pilot boat until such time as he arrives
25 at New Westminster.

26 Q. To give an idea of how your Authority
27 operates, would you care to outline to the Commission
28 the expenses you have incurred for the fiscal year
29 ending December 31st, 1962, in detail, please?

30 A. For the office and general expenses?



1 Q. Yes.

2 A. Salaries, \$11,470.00; postage, \$50.00;
3 unemployment insurance, \$48.96; pensions, \$717.24; light,
4 \$18.12; rent, \$900.00; supplies, printing, stationery,
5 \$720.11; janitor service, \$60.00; telephone and telegraph,
6 \$1,041.27; flowers, \$48.57; laundry, \$37.20; C.U. and
7 C. medical insurance, \$87.00; legal and audit, \$235.00;
8 Workmen's Compensation Board, \$630.00; bank operating and
9 interest, \$18.60; and miscellaneous, which covers a
10 variety of items, \$724.78.

11 Q. For a total of?

12 A. \$16,806.95.

13 Q. And for the year 1962 what was the gross
14 revenue of the district, in order that we may compare
15 both figures?

16 A. \$134,985.48.

17 Q. Thank you. Now, you mentioned C.U. & C.
18 medical insurance. Would you explain this, please?

19 A. Yes. It is medical coverage for myself
20 and assistant, and it covers medical expenses, which is
21 insurance carried through the C.U. & C.

22 Q. What is C.U. & C?

23 A. It is a credit union actually, it is
24 through the credit union.

25 Q. And it is strictly for you and your
26 assistant?

27 A. That is right.

28 Q. And pilots have no benefit from that?

29 A. Not in that. They do have, but it is a
30 separate item.



1 Q. Would you explain what that ledger contains,
2 please?

3 A. That covered the office and general
4 expenses. The next item is pilot's expense. That is
5 under pilot's expenses. There is travelling expense,
6 C.U. & C., and travel insurance.

7 Q. Now, travelling expenses, would you
8 explain what they are, please?

9 A. Each pilot is allowed a travel expense
10 of \$9.00 for a trip inward or outward, to take a ship
11 out and return from Steveston, or to go from Steveston
12 to pick up a ship and return to New Westminster after.

13 Q. Is that \$9.00 a fixed figure?

14 A. Yes.

15 Q. How was it arrived at?

16 A. Through negotiations between the pilots
17 and the pilotage commissioners.

18 Q. And the pilotage commissioners?

19 A. Yes.

20 Q. In your opinion does it cover the expenses
21 normally incurred in boarding a ship or leaving a ship?

22 A. I would say it is a fair coverage, yes.
23 Most times the pilots must travel by taxi to Steveston.

24 Q. From where?

25 A. From New Westminster, or from home to
26 town or Steveston and returning the same way.

27 I think it is a fair coverage.

28 Q. Are they paid any expenses for movages?

29 A. Yes, there is also an expense, allowance
30 of \$6.00 on a movage.



1 Q. Is this also a fixed figure?

2 A. A fixed figure, yes.

3 Q. In your opinion does it cover the
4 expenses incurred?

5 A. Yes, I think it does cover it.

6 Q. Are the pilots paid any other travelling
7 expense from the fund?

8 A. No.

9 Q. Not whatever?

10 A. No, that is right.

11 Q. Are they allowed to cover any other
12 travelling expense apart from those for which they get
13 paid?

14 A. No, I think it pretty well covers the
15 expenses they have.

16 Q. Would you now explain the next item in
17 the expenses you have mentioned?

18 A. May I add a word?

19 Q. Yes, you may.

20 A. I just wanted to point out that these
21 charges for expenses are not charged against the vessel;
22 this comes out of the fund.

23 Q. Of the fund?

24 A. Yes. The next item is C.U. & C. again
25 which is the medical coverage for the pilots, a portion
26 of which is paid by the Authority, the pilot pays half.

27 Q. I see. So a portion of it is paid by
28 the fund and the balance would be paid by the pilot
29 personally?

30 A. That is right, which is the accepted method



1 of handling those things by industry and has been carried
2 on into this.

3 Q. What is the other item?

4 A. The other item is travel insurance. That
5 is insurance to cover the pilots while they are travelling
6 where they are not covered by Workmen's Compensation,
7 while they are travelling between the job to office or
8 home.

9 Q. And what coverage do they have?
10 Does that cover merely accident or is there any benefit
11 paid in case of death?

12 A. There is a death benefit, but this is
13 strictly an accident policy; it must be a travel accident.

14 MR. JACQUES: Would the Commission care to see
15 the actual policy?

16 THE CHAIRMAN: I don't think so.

17 Q. Do you know, roughly speaking, what
18 benefits are paid by this insurance?

19 A. I am not sure. It pays a weekly
20 indemnity while they are off injured. It may be \$150.00
21 a week.

22 Q. If you are not sure you may look it up
23 and we can come to it again.

24 A. I am quite sure it is \$150.00 a week and
25 a death benefit as well.

26 THE CHAIRMAN: It is not liability insurance?

27 MR. JACQUES: No, apparently not, my lord.

28 THE WITNESS: No, my lord.

29 Q. What would be the next item on the
30 expenses?



1 A. That covers the three items under pilot's
2 expense.

3 Q. What would be the total for last year?

4 A. The travel expense is \$8,790.70, C.U. & C.
5 for \$444.05, and the travel insurance is \$560.00.

6 Q. And that makes a total of?

7 A. \$9,794.75.

8 Q. What else does your book contain, the
9 ledger?

10 A. The next is an account for each pilot
11 showing their earnings month by month.

12 Q. What do you mean by "their earnings"?

13 A. The portion paid to them out of pilotage
14 receipts which is arrived at by deducting from the
15 receipts for that month the money disbursed and the
16 balance divided equally between the pilots.

17 Q. When you make a deduction from the gross
18 revenue do you make a provision for future expenses?
19 Let's say if an insurance premium is due at the end of
20 a year, would you set aside a portion of the total gross
21 revenue in order to meet that expense at the end of the
22 year?

23 A. No, there is no provision for that.

24 Q. So you pay as you receive the bills?

25 A. Yes.

26 Q. Regardless of whether the bill covers a
27 one-year, two-year or three-year period?

28 A. That is right.

29 Q. Now, would you carry on, please?

30 A. I missed one account here, superannuation



1 fund.

2 Q. I see. That is very, very important.

3 A. Yes. I suddenly thought of that. The
4 account for the superannuation fund covers the amount
5 of money paid out monthly to an insurance company which
6 administers the superannuation fund.

7 Q. What is the name of that insurance company?

8 A. North American Life Assurance Company.

9 Q. How long have the pilots been doing
10 business with that insurance company?

11 A. Since October the 1st, 1958.

12 Q. That is when the present pension fund
13 arrangement became operative?

14 A. That is right.

15 Q. Would you state briefly to the Commission
16 the amount that is paid yearly into that fund and also
17 what benefits are derived from the plan?

18 A. In the year 1962 there was \$8,722.75 paid
19 into the North American Life Assurance Company for the
20 superannuation fund.

21 Q. And that would represent what percentage
22 of the gross revenue?

23 A. Seven per cent of the gross revenue.

24 Q. And it is based on gross revenue?

25 A. Yes.

26 Q. And before any deductions are made for
27 expenses?

28 A. Yes.

29 Q. Leaving your janitor service and telephone
30 and telegraph in?



1 A. Yes, it is on the first charge.

2 Q. Has it always been seven per cent since
3 the plan became operative?

4 A. Yes. According to the policy, it is
5 based on an amount of not less than seven per cent and
6 not greater than ten per cent of the gross revenue.

7 Q. But the percentage has never exceeded
8 seven per cent?

9 A. No.

10 Q. Would you state to the Commission roughly
11 what benefits are available to pilots under that plan?

12 A. Well, they retire under that plan.

13 Q. Now sir, I show you a document stating
14 the pension benefits which would avail some pilots, a document
15 dated January the 22nd, 1958. By whom was this document
16 prepared sir?

17 A. This was prepared by the North American
18 Life Insurance Company.

19 Q. And it is based on a premium of how many
20 dollars per year?

21 A. An assumed premium of \$900.00 per annum.

22
23 Q. And since 1958 have you at any time ever
24 paid less than \$900.00 into the pension fund?

25 A. No.

26 Q. Have you paid more?

27 A. Yes, it has always been more.

28 Q. By approximately how much?

29 A. It has been approximately a thous and
30 dollars.



1 Q. Every year?

2 A. Every year.

3 Q. Since 1958?

4 A. Yes.

5 Q. Basing your answer on that document,
6 would you give an example of the pension which a pilot
7 would receive upon retiring, without mentioning the
8 names?

9 A. Well, when this plan went into effect one
10 of the pilots who was then aged 55 would receive a pen-
11 sion on retirement at age 65 of \$171.30.

12 Q. Per month?

13 A. Per month, yes.

14 Q. What would be the maximum pension paid
15 to any of the pilots on duty at that time?

16 A. A younger man, a man of 38 years of age,
17 would receive on retirement at age 65 a pension of
18 \$316.90 per month.

19 Q. That is after contributing to the fund
20 for 27 years?

21 A. That is right.

22 Q. And am I right in assuming that this
23 document was a projection which was prepared at the time
24 you negotiated your pension fund with the North American
25 Life Insurance Company?

26 A. Yes.

27 MR. JACQUES: Would you file this document
28 as an exhibit?

29 THE SECRETARY: Pension exhibit's projection
30 of North American Life Insurance Company will be exhibit



1 number 150. Presumably it is filed by Mr. Warren.

2
3 ---EXHIBIT NO. 150: Pension exhibits projected
4 by North American Life
5 Insurance Company.

6 Q. I show you another document, which is
7 from North American Life Insurance Company, entitled
8 pension plan for employees of New Westminster District
9 Pilot Authority. Would you look at this document, and
10 tell me whether it relates to the actual pension plan?

11 A. Yes, it relates to the actual pension
12 plan. It is a resumé of benefits which would accrue
13 to a pilot. It was adapted for the personal record of
14 each member, just to give him a rundown of what benefits
15 they do derive from the policy.

16 MR. JACQUES: Would you file this document
17 as an exhibit?

18 THE SECRETARY: Resumé of pension benefits
19 will be exhibit number 151.

20
21 ---EXHIBIT NO. 151: Resumé of pension benefits.

22
23 Q. Now, is that the only information which
24 your ledger contains?

25 A. We have further accounts. An account for
26 each pilot showing their earnings, which I started on
27 and I discussed.

28 Q. Yes, and any other information, apart from
29 that, concerning pilots and the Authority?

30 A. There is an account showing the general



1 bank account, when money is deposited and then withdrawn
2 to meet the various expenses.

3 Q. By the way, does it ever happen that you
4 are overdrawn at the bank?

5 A. No, I think it has only happened once
6 since I have been on the job that we were overdrawn a
7 few dollars.

8 Q. Thank you. Would you carry on please?

9 A. Then there are the balancing accounts for
10 the unemployment insurance, which are merely notations
11 of the debit and the credit, which is balanced each
12 month, and the same for the income tax department, which
13 is a debit for the amount which should be paid, and
14 credit when the cheque is issued.

15 Q. Whose income tax?

16 A. The income tax which is deducted from the
17 pilots and from myself and my assistant.

18 Q. So you make a deduction for income tax
19 before you make a remittance to the pilot, is that
20 correct?

21 A. No, their portion of the pilotage receipts
22 is arrived at, what their share should be, and this is
23 the gross amount of their revenue. Therefore, from that
24 I must deduct income tax and remit it to the government,
25 the same as any industry would do.

26 Q. The same as any employee? It would be
27 a deduction at source?

28 A. Yes, deduction at the source for income
29 tax.

30 THE CHAIRMAN: Monthly?



1 THE WITNESS: Monthly sir.

2 Q. And you make a slip out at the end of
3 the year showing what monies you have deposited with the
4 Department?

5 A. That is right, the T1.

6 Q. And then the only thing left for them
7 is to make their own personal deduction?

8 A. That is right.

9 Q. Now, would you carry on please?

10 A. The payroll account which covers myself
11 and assistant, showing the payroll, the debit and credit
12 which balance each month. C.U. & C. health services, which
13 is again the debit and credit balancing each month.
14 Mutual Life Insurance Company of Canada, which is
15 covering the pension plan for myself and assistant. A
16 personal account for Mr. Patterson, for whom I deducted
17 C.U. & C., and then deducted it from him at a later date.
18 Assets and liabilities covering the office furniture
19 and fixtures.

20 Q. What would be your assets at the end of
21 1962?

22 A. \$913.19.

23 Q. And that covers what?

24 A. Just the office desks and equipment,
25 typewriters.

26 Q. Are these books of account, ledgers and
27 journals, audited?

28 A. Yes. They are audited by an independent
29 firm of auditors annually, and copies of those auditors'
30 reports and the financial statement are forwarded to the



1 Department of Transport at Ottawa.

2 Q. Would you have your latest report please?

3 A. The financial statement for the year end-
4 ing December the 31st 1962.

5 Q. Prepared by Griffiths & Griffiths,
6 chartered accountants, New Westminster?

7 A. Yes.

8 Q. Have you got similar financial statements
9 for the years 1958, 1959, 1960 and 1960?

10 A. Yes I have.

11 Q. With you?

12 A. Yes.

13 Q. Would you file these in a bundle as an
14 exhibit?

15 THE SECRETARY: Bundle of five financial
16 statements for the years 1958, 1959, 1960, 1961, and 1962
17 will be exhibit number 152.

18
19 ---EXHIBIT NO. 152: Bundle of five financial
20 statements for the years
21 1958, 1959, 1960, 1961 and
1962.

22 THE CHAIRMAN: I gather that both of these
23 documents are available at the Department of Transport
24 are they?

25 THE WITNESS: Yes.

26 THE CHAIRMAN: So therefore you will check
27 that when we are there, and if they are available the
28 copies will be returned here, and replaced by the Depart-
29 ment of Transport.

30 Q. As regards the pension plan for the



1 employees of the Authority, would you have a document
2 similar to the one filed under number 151, giving approx-
3 imately what benefits are derived from that plan?

4 A. I don't have any copy with me.

5 Q. For your own plan? I don't mean for the
6 pilots' plan.

7 A. No, I have not got it with me.

8 Q. Would you be able to elaborate on the
9 benefits which are granted to you by that plan?

10 A. Yes, it is a plan that will on retirement
11 pay myself and my assistant one hundred dollars per month.

12 Q. Is that all?

13 A. Between now and retirement age there is
14 a \$10,000.00 life insurance coverage, which will then
15 terminate on retirement.

16 Q. And these are the only benefits which you
17 derive?

18 A. That is right.

19 Q. Regardless of the number of years which you
20 would work for the Pilotage Authority?

21 A. That is right, and this is predicated on
22 a contribution by myself in my case of \$25.80 per month,
23 and a like amount from the Pilotage Authority.

24 Q. And would you have to be employed by the
25 Authority until you are 65, or could you go into retire-
26 ment now?

27 A. I believe if I go into retirement now I
28 would receive the return of my contributions.

29 Q. I see. So you will receive the hundred
30 dollars a month pension only after you stay on the job



1 until you are 65?

2 A. I believe that is correct. I am trying
3 to recall this, but I am not just definite as to it.

4 Q. Would you mind checking, please, and
5 letting us know perhaps more accurately about these
6 benefits?

7 A. Yes I will.

8 Q. Now sir, I understand that some years ago
9 the New Westminster pilots used to operate their own
10 boat?

11 A. That is right.

12 Q. When was the operation of the boat taken
13 over by the Department of Transport?

14 A. It was in -- I can't quite recall the
15 month. It was in 1959. I am not sure of the month.
16 It was November or December 1959.

17 Q. Now, referring to the annual statement
18 for 1958 and 1959, could you tell the Commission the
19 total saving which this has benefited to the pilots?

20 A. These figures don't show exactly.

21 Q. But roughly speaking what would be the
22 increase in available income to pilots due to the fact
23 that the operation of the pilot boat was taken over by
24 the Department of Transport?

25 A. These figures are not split up showing
26 the exact amount of the cost of operating that pilot
27 boat. There are some other figures included in there
28 sir that would have to be deducted.

29 Q. Would you mind taking these two statements,
30 that is 1958 and 1959, and at some time you could give us



1 these figures?

2 A. Yes, definitely.

3 THE CHAIRMAN: What we are asking here is what
4 was the cost of operation of the pilot boat that the
5 pilots had to bear.

6 Q. You can keep those and return them to us.

7 Now sir would you tell the Commission the
8 total revenue available to pilots for the year 1962?

9 A. I have not the figures here. I would have
10 to get them from the annual return. That again is not
11 totalled up sir.

12 Q. Well, in 1962 what was the amount received
13 by each pilot, without mentioning names?

14 A. In 1962 it was \$12,894.68.

15 Q. Did the pilots receive an equal amount?

16 A. Yes.

17 Q. From your previous testimony, am I right
18 in saying that this amount is a net amount after income
19 tax deduction at source has been taken off?

20 A. No, this is the amount before deduction
21 of income tax.

22 Q. Before deduction of income tax at source?

23 A. That is right.

24 Q. Are the other deductions which you have
25 applied, insurance, medical plans, etc., made before?

26 A. Yes, other than that the pilots' share
27 of their medical insurance, C.U. & C. which amounts to
28 \$5.30 per month.

29 Q. So all the deductions which you have
30 mentioned and explained just now have been made, save



1 income tax and share of medical plan?

2 A. That is right.

3 Q. And referring to your annual report for
4 1962, filed as Exhibit 149, I read in paragraph C, the
5 fifth column from the left "amount earned". What would
6 that represent?

7 A. That represents the amount of pilotage
8 charged for the ships piloted by that particular pilot.
9 That would actually be the amount of money that his
10 efforts earned piloting the ships.

11 Q. And the extreme right-hand column would
12 be the amount which was actually paid to him?

13 A. The gross amount paid to him before
14 deduction of income tax.

15 Q. And medical insurance?

16 A. That is right.

17 Q. The seven per cent deduction for pension
18 plan. Do you take it off the gross revenue of the
19 District, including pilot boat charges, or excluding
20 pilot boat charges?

21 A. Excluding pilot boat charges.

22 Q. So, again referring to your annual report
23 for 1962, paragraph C, the seven per cent would be taken
24 out of the \$124,565.48 shown as the receipts for the year?

25 A. That is correct.

26 Q. Referring again to paragraph C, amount
27 earned and amount received. Has this always been done
28 in your annual return, that is amount earned being the
29 amount which the pilots' work has brought into the fund?

30 A. Yes.



1 Q. It has always been done that way?

2 A. Yes, that is right.

3 Q. Now sir, do you keep a file on each pilot
4 in your office?

5 A. Yes, there is a file, not too much partic-
6 ulars in it.

7 Q. What would it contain, without mentioning
8 any names, or any strictly confidential information?

9 A. It would keep records of his examination
10 when he was examined to be a pilot, records of his
11 medical and eyesight and hearing tests at that time, and
12 subsequent tests, and I can't think of much more that
13 would be in there.

14 Q. Now sir, as regards accidents within the
15 District, would you be able to tell the Commission for
16 instance how many accidents you have had last year within
17 the District?

18 A. Yes, we have had no accidents, no reportable
19 accidents.

20 Q. What do you call a reportable accident?

21 A. I would say no accidents.

22 Q. No accidents at all?

23 A. We have had no ships in the mud, or
24 aground anywhere.

25 Q. No dock damage?

26 A. No, not to my knowledge.

27 Q. Well, 1961 then?

28 A. No, we had no reports of accidents for
29 1961 either.

30 Q. All right. When was the last accident



1 reported? You may refer to your file if you wish.

2 A. I don't have any file on that right here,
3 but it is a number, two or three years back, that we
4 had any accident reported.

5 Q. Would you care to check during the noon
6 recess and let us know the date, and the nature of the
7 accident, and the probable cause, if you know it?

8 THE CHAIRMAN: We should have this information
9 for the last five years.

10 MR. JACQUES: Yes sir, but it was just for the
11 benefit of this present hearing. We will get all the
12 information concerning all accidents for the past five
13 years, whether a pilot was on board or not.

14 THE CHAIRMAN: Where are you going to have that?

15 MR. JACQUES: At Ottawa my lord.

16 THE CHAIRMAN: It might be preferable if this
17 information be available here, because they might have
18 some light to give, or further information to give.

19 MR. JACQUES: It will take several months
20 to compile it sir, because they have to go through
21 individually all of the report forms, and the pink sheet
22 which the pilots fill out.

23 THE CHAIRMAN: If there is anything special to
24 be said about that we will take the evidence right now,
25 to bring the evidence forward.

26 MR. LANGLOIS: I understand my lord that this
27 pink form, the confidential report to which reference has
28 been made, has been used here in this District in the
29 last two or three years. We have no objection to counsel
30 for the Commission providing from the file of the



1 Department whatever reports there are there, under the
2 reservation however that should we find that further
3 evidence should be provided or placed before the
4 Commission we will be allowed to do so at a later stage.

5 THE CHAIRMAN: There is no doubt about it,
6 but you may be put to some inconvenience, because we
7 have not allotted the time, but if you think that any
8 particular occurrence should be put forward here you
9 may do so.

10 MR. LANGLOIS: I understand my lord that there
11 have been very few accidents, and of a very minor
12 nature.

13 THE CHAIRMAN: Good.

14 MR. JACQUES: My lord, I have just been advised
15 that the pink sheets which the local Authority uses are
16 not forwarded to Ottawa to D.O.T.

17 THE CHAIRMAN: So we will complete the evidence
18 here.

19 MR. JACQUES: So we will have to complete the
20 evidence here, and see what we get out of it.

21 Q. Now sir, you have heard references to
22 pink sheets. It might be convenient at this time that
23 we file an example of this pink sheet.

24 A. I don't have it.

25 THE CHAIRMAN: Well, rather than filing an
26 example, would you file them all?

27 MR. JACQUES: They are confidential my lord.

28 THE CHAIRMAN: Well, file them as confidential.

29 MR. JACQUES: Anyway my lord, since pink sheets
30 have been in use they have not had one accident.



1 THE CHAIRMAN: Well, that is all right. File
2 a nil report. That will be evidence that there were none.

3 Q. Would you bring an example of this pink
4 sheet this afternoon?

5 A. Yes.

6 Q. How long have you had them for use here?

7 A. I would say just over two years.

8 Q. In that period of time have you had occas-
9 ion to use any?

10 A. No, I have not.

11 THE CHAIRMAN: May we know why you didn't use
12 any?

13 THE WITNESS: We have had, my lord, no accidents
14 reported to use them.

15 Q. Does the Pilotage Authority keep a minute
16 book?

17 A. Yes.

18 Q. Is this book up to date?

19 A. Yes.

20 Q. Would you make it available to the
21 Commission? Not file it as an exhibit, but you will
22 make it available to the Commission?

23 A. Yes.

24 Q. Now, do the Commissioners meet regularly?

25 A. No.

26 Q. Have they got a general annual meeting?

27 A. No.

28 Q. Do they meet in order to approve the
29 financial statement of the year?

30 A. Yes, they do.



1 Q. When do they meet?

2 A. When business requires.

3 Q. Do you look after the sending of the
4 notices of meetings of the Commissioners?

5 A. Yes, I do.

6 Q. Are they convened by writing or verbally?

7 A. Verbally.

8 Q. Who keeps the minutes?

9 A. I keep the minutes as secretary.

10 Q. Who does the dispatching of pilots for
11 the Authority?

12 A. Myself and assistant.

13 Q. Would you explain to the Commission how
14 the dispatching is done?

15 A. We are notified by the agents by telephone,
16 usually three or four hours, sometimes a day or two,
17 ahead when a pilot will be required. This is usually
18 confirmed at least three hours before a pilot is required,
19 and either myself or the assistant on duty telephones
20 the pilot at his home usually, unless he happens to be
21 in the office, giving him the time and place he is to
22 board the vessel, the job that he is required to do,
23 pilot the vessel to or from, and any other information
24 which we have for him in the way of aids to navigation,
25 being unlighted or out of place, and any recent infor-
26 mation we may have or depth of water and soundings in
27 any of the channels.

28 Q. Do you keep a record of the information
29 passed on to you concerning aids to navigation?

30 A. Yes, we do. We note it on a board in the



1 office so that any pilots who come in may see it. We
2 also keep a note of it in a book, and when the pilot
3 comes in we draw it to his attention and have him sign
4 that he is aware of these items. If we phone him, give
5 him the information by phone when he is assigned to a
6 job we note his initial against that information that
7 he has been advised.

8 Q. Who gives you that information?

9 A. We receive it in different ways. Usually
10 it is from another pilot who has just come in or taken
11 a ship out. He will notify us of any lights or aids
12 to navigation which are amiss. Sometimes we receive it
13 through a notice to shipping, which are issued by the
14 Marine Agent in Victoria.

15 Q. How do you proceed to dispatch the
16 pilots? How do you choose them?

17 A. A man, a pilot is dispatched to pilot
18 a ship inward. When he has performed that duty his
19 name drops to the bottom of the list. They are dispatched
20 according to pilotages inward. A pilot brings a ship
21 in; that is his ship. He then moves it as it is required
22 to move within the harbour, and then he pilots the ship
23 out again. That is his ship. So his name is dropped to
24 the bottom of the list only when he brings a ship inward.

25 Q. Is that on a list?

26 A. That is just a notation we have on the
27 bottom of the daily work sheet which we check off, and
28 the next morning the pilots are put on in the order they
29 are to start the next day.

30 Q. So a pilot is assigned to a ship and he



1 looks after that ship as long as she is in the New
2 Westminster pilotage district?

3 A. Yes.

4 Q. He takes her in and takes her out again?

5 A. Yes.

6 Q. And he goes on the bottom of the list
7 after he has completed a discharge?

8 A. He does on the inward pilotage. He may
9 have brought in two or three ships before they go out
10 again.

11 Q. What happens when a pilot would find he
12 is already busy and one of his other ships is going out?

13 A. The sailing of the ship has priority.

14 Q. The sailing of the first ship?

15 A. The first sailing of any ship. He may have
16 two or three ships which want to sail at the same time.
17 Well, in that case he would take one out, and the next
18 two pilots in the roster would take them out. But that
19 would not constitute a job with them; they would be just
20 stuck with another job.

21 Q. So I would bring you back to your annual
22 return again, the amount earned, Exhibit 149. Is this
23 the equivalent of the number of ships which a pilot had
24 or the equivalent of the number of assignments, either
25 in or out, or movage?

26 A. It would be the money earned by the assign-
27 ments, in and out and movages. He may move a ship for
28 someone else, but he would earn that amount.

29 Q. You said that the sailing of the ship
30 had priority. What do you mean by that?



1 A. Insofar as the pilot is concerned, his
2 services would be assigned to that ship. If he was at
3 the top of the list he would take that ship out, and
4 the next man would do the next inward job.

5 Q. What would happen if there was any conflict
6 in a sailing?

7 A. In that case the next pilot would do the
8 movage. A pilot would go to bring a ship in. This applies
9 other than in cases where ships go through the New
10 Westminster bridge. In that case the pilot who brings
11 the ship up must take it down.

12 Q. Whoever brings it through the bridge must
13 take it back?

14 A. Yes. It is considered he is most familiar
15 with that ship.

16 THE CHAIRMAN: That is the reason that the
17 pilot remains with the ship, that he has brought her in
18 and he should bring her out.

19 THE WITNESS: Yes, that is the purpose of that,
20 that the pilot has become familiar to a certain extent
21 with the ship and is better able to navigate that ship
22 out of the river.

23 THE CHAIRMAN: Would the same thing apply when
24 the pilot goes out?

25 THE WITNESS: No, it does not apply.

26 Q. How do you obtain the information neces-
27 sary for the establishment of the total amount of dues
28 owed by a ship?

29 A. The pilot is supplied with the pilotage
30 cards on which he obtains the necessary information.



1 Q. You have just shown me a yellow card
2 containing request for information. Would you run through
3 it quickly for the benefit of the Commission, please?

4 A. Yes. On this card is noted the name of
5 the vessel, the date on which the pilotage is performed,
6 the nationality, net and gross tonnage, the place at
7 which the pilot boards the vessel, the time ordered and
8 time sailed, the time, place and date that he left the
9 ship, the cause, time and place of the anchoring.

10 Then in the next column there is the draught,
11 forward and aft, there is a block for checking cancel-
12 lation, detention, shift and bridge.

13 Q. This is the New Westminster bridge?

14 A. Yes. If he has a passage through the
15 bridge, then he checks that.

16 There is also a place for the name of the agent,
17 the pilot's signature and the master's signature.

18 Q. What do you call that card, sir?

19 A. We call it a pilotage card.

20 MR. JACQUES: That will be Exhibit number 153.

21

22 ---EXHIBIT NO. 153:

Pilotage card, New West-
minster District Pilotage
Authority.

23

24

25 THE CHAIRMAN: That pilotage card that you
26 have here is a special form for the district here?

26

27 THE WITNESS: Yes.

27

28 THE CHAIRMAN: Made by you?

28

29 THE WITNESS: Yes.

29

30 THE CHAIRMAN: It is not the pilotage source



1 form that is issued by the Department for any other
2 districts.

3 THE WITNESS: No.

4 THE CHAIRMAN: This was drafted to meet your
5 proper requirements here according to the bylaws?

6 THE WITNESS: Yes.

7 Q. Would you tell the Commission whether
8 the auditors, when they make their yearly audit, check
9 these cards?

10 A. Yes, they do. I don't believe they check
11 them all, but they make spot checks every two or three
12 months through the year.

13 Q. What do they check on the card?

14 A. They check everything. To my knowledge,
15 they check the detentions and follow the card right
16 through, when it is entered and paid and completed.

17 Q. In fact, they check to find out whether
18 the due has been correctly assessed?

19 A. Yes, they do.

20 Q. Have you got a form of invoice which you
21 send to ships?

22 A. Yes.

23 Q. You have just shown me, sir, an invoice
24 giving the rates applicable for your district?

25 A. Yes.

26 Q. Is this invoice prepared by you in your
27 office?

28 A. Yes, it is.

29 Q. And it is sent to the agent?

30 A. That is correct.



1 Q. Would you file that as Exhibit number?

2 THE SECRETARY: 154, sample of invoice of
3 Pilotage Authority.

4
5 ---EXHIBIT NO. 154: Sample of invoice of
6 Pilotage Authority
7 (New Westminster).

8 Q. Do you have any difficulties in collecting
9 dues?

10 A. No, we do not. Most dues are paid within
11 an average of, I would say, 30 days. The odd ship will
12 drift back in 60 or 90 days, and we have to then apply
13 a little persuasion to collect the money. Most dues,
14 I believe you could say, are collected in 30 days.

15 Q. Have you ever found it necessary to go
16 to court to collect your dues?

17 A. No, we have not. We came very close. In
18 fact, we have only one bad debt on the books since I
19 have been here in the last twelve years, from an American
20 firm.

21 Q. From an American firm?

22 A. Yes.

23 Q. Is that a great amount?

24 A. No, I think altogether it is about
25 \$160.00.

26 Q. Do you normally make any reserve for bad
27 debts in the annual statement?

28 A. No, we do not.

29 Q. Now, sir, if you would take your bylaw,
30 I would like to run through each section.



1 THE CHAIRMAN: Is this going to take some
2 time?

3 MR. JACQUES: Yes, my lord.

4 THE CHAIRMAN: We will adjourn for a few
5 minutes.

6
7 ---SHORT RECESS.

8
9 ---UPON RESUMING:

10
11 Q. To come back to previous evidence, would
12 you tell the Commission on what amounts is the income
13 tax calculated when you make your deduction?

14 A. The gross amount.

15 Q. What do you mean by "gross amount"?

16 A. Well, the revenue of the District. The
17 money is received, all expenses for operating the district
18 are paid, including pilots' superannuation, travel expense,
19 all that is paid, and the balance --

20 Q. Just a minute. If you would refer to that
21 book and give us exactly what you deduct to deduct income
22 tax?

23 A. The gross revenue for the year 1962 is
24 \$134,985.48.

25 Q. That includes boat charges?

26 A. Yes, that includes boat charges. From that
27 is deducted the boat charge, superannuation fund.

28 Q. Seven per cent?

29 A. Seven per cent -- the office and general
30 expense, the pilots' expense. Then the balance --



1 Q. Does the pilots' expense include C.U. & C.
2 medical plan?

3 A. Yes, pilots' travelling expense, C.U. & C.
4 and travel insurance. Then the balance is divided pro
5 rata evenly between the pilots, and that amount was
6 arrived at \$12,000.00 for the year. Income tax is then
7 deducted from that. That is to all intents and purposes
8 their salary. From that is deducted the income tax.

9 THE CHAIRMAN: I am referring to Exhibit 149,
10 the annual reports which you filed. The first impression
11 I get from that is that the Local Pilotage Authority do
12 consider pilots as their employees, because I see here
13 that you mark salaries. Also you have Workmen's Compens-
14 sation, and also you deduct income tax at the source,
15 which is done with contractors.

16 THE WITNESS: That is correct, my lord. Except-
17 ing that salaries in that particular instance I believe
18 refers to office salaries.

19 THE CHAIRMAN: \$89,000.00?

20 THE WITNESS: Yes.

21 THE CHAIRMAN: That is in the 1962 report, the
22 last item on the back of the page.

23 THE WITNESS: That is correct, it is referred to
24 there as salaries paid to the pilots, \$89,000.00.

25 THE CHAIRMAN: Normally for income tax purposes
26 they should make their own payment direct every three
27 months, as any self-employed person does. But instead of
28 that you put it as salary and then you deduct.

29 THE WITNESS: That is correct. That is the way
30 we have managed it before my time.



1 MR. LANGLOIS: My lord, I wish to point out
2 that in the financial statements there is no reference
3 to salaries, it is distribution to pilots.

4 THE CHAIRMAN: I just want to underline the
5 situation as it seems to be.

6 Q. Now, would you take your bylaw, sir. I
7 read from my copy that they were adopted in November,
8 1961?

9 A. That is correct.

10 Q. Would you tell the Commission how this
11 present text filed as Exhibit 146 was arrived at?

12 A. Yes. A draft of the bylaws was prepared
13 by the Department of Transport at Ottawa and was sent to
14 this District for their perusal for any corrections or
15 changes that the Local Pilotage Authority wish to make
16 in these bylaws. Changes were made, suggestions of
17 changes were made, and it was returned to the Department
18 at Ottawa I think at least a couple of times before it
19 was finalized. The pilots had an opportunity to go over
20 it clause by clause and make any suggestions they wished.
21 These were all finally sent to Ottawa, and it was final-
22 ized there. Then the final draft was sent out to the
23 Local Authority and it was finally okayed here and it
24 was printed and passed in Ottawa.

25 Q. Were there any major differences among
26 the points of view of either D.O.T., the Local Authority
27 or pilots in discussing these bylaws?

28 A. No, I don't believe there were any, nothing
29 that you would call major differences. There were little
30 changes in the wording. I have just forgotten what



1 contentious points there were, if any, but there was
2 very little.

3 Q. So would it be fair to say that it was
4 unanimous?

5 A. Not altogether. I think there were
6 possibly some points that the pilots would like to have
7 a little different, wording. But it was finally decided
8 between the Commissioners and the Authority that this
9 was the format it was to take.

10 Q. Would you refer to section 2, sub-section
11 (g), the definition of the word "movage". It says:

12 " 'movage' means the moving of a vessel
13 "within a harbour from one anchored or
14 "moored position to another but does not
15 "include the warping of a vessel from
16 "one berth to another solely by means of
17 "mooring lines attached to the shore unless
18 "a pilot is employed."

19 Have you found this definition of the word
20 "movage" satisfactory?

21 A. Yes, we have.

22 Q. You have no difficulties at all concerning
23 the definition of "movage"?

24 A. No.

25 COMMISSIONER RENWICK: Excuse me, Mr. Jacques,
26 one little technical question. In paragraph (j) there is
27 the definition of the word "scow". It reads: " 'scow' means
28 "any undecked barge having no living
29 "accommodation."
30 I think without exception all of our scows here are decked.



1 MR. JACQUES: I was just going to ask the
2 witness about that.

3 THE WITNESS: We haven't run into any difficulty
4 with it. Everyone concerned with shipping and industry
5 knows what a scow is.

6 Q. What is a scow?

7 A. I would say it is -- I will try to give
8 me idea of a scow. It is a blunt-ended vessel, usually
9 around 30 to 90 feet in size. They vary; there are small
10 scows and big scows. But it is definitely not a decked
11 barge, it is a vessel usually used for transporting
12 lumber or rock, gravel or anything around the harbour
13 and in between harbours and on the coast. I don't think
14 it is used to any extent in open waters. The materials
15 are carried on the deck of the barge, not in the barge.

16 COMMISSIONER SMITH: And it may be self-propelled
17 or otherwise?

18 THE WITNESS: No, it is towed, it is not
19 self-propelled.

20 COMMISSIONER SMITH: Never?

21 THE WITNESS: No, I would say never, not a
22 scow.

23 Q. So your definition of a "scow" does not
24 agree with that given in the bylaws, which means an
25 undecked barge having no living accommodation?

26 A. No, it does not.

27 Q. Do you charge pilotage dues to a scow, if
28 it was not otherwise exempted?

29 A. If it was not otherwise exempted. If it
30 was a foreign scow coming from any country, say across



1 the line, then we would charge for that scow.

2 Q. Have you ever had occasion to do that?

3 A. No. We have charged pilotage on a barge.

4 Q. What do you mean by a barge?

5 A. It is an oil barge where the oil is
6 carried in the barge, in tanks, and not on top. It is
7 not a scow, it is a barge.

8 THE CHAIRMAN: Is it self-propelled?

9 THE WITNESS: No, it is towed. But it is a
10 vessel which --

11 THE CHAIRMAN: With living accommodation?

12 THE WITNESS: I believe it has. I am not too
13 sure about that.

14 MR. JACQUES: I suggest it would become a
15 vessel within the definition of "vessel" in sub-paragraph
16 10.

17 THE CHAIRMAN: We made a trip on the river
18 two days ago and we saw by the Fraser Mill there a big
19 ship which was no longer self-propelled. Would that be
20 a scow, because it has a blunt end?

21 THE WITNESS: No, it is classified in this
22 area, I believe, as a hulk or a chip barge. But it is
23 definitely not a scow.

24 THE CHAIRMAN: But it would have to be towed?

25 THE WITNESS: Yes.

26 THE CHAIRMAN: I am trying to find the definition
27 of "scow". For instance, in that vessel we saw, that
28 hulk, it is made like a ship, formerly it was a ship, and
29 there is no living accommodation in that. Except for
30 the question of the undecked, it would be a scow.



1 THE WITNESS: Yes.

2 Q. Do you know the hulk to which his lordship
3 has referred?

4 A. Yes.

5 Q. How would you class it for pilotage dues?

6 A. I would class that as liable for pilotage,
7 if it was not otherwise exempt.

8 THE CHAIRMAN: I would ask counsel to have this
9 vessel described by the witness for the record.

10 Q. Are you familiar with the vessel?

11 A. No, not too familiar. I am not a master
12 mariner or seaman. To my mind it is a hulk of an old
13 sailing vessel which has been converted.

14 Q. How long would she be, approximately?

15 A. 350, 300 feet, possibly.

16 Q. What would be her beam?

17 A. Maybe 40, 50 feet. 50 feet, say.

18 Q. And her draft?

19 A. I would think she would draw possibly
20 about 20 feet.

21 Q. What is her use? What does she carry?

22 A. She is used to carry ground up pulp chips,
23 I understand.

24 Q. From where to where?

25 A. I believe from New Westminster to Ocean
26 Falls, Powell River, some of these local British Columbia
27 ports.

28 Q. She is engaged in coast-wise work?

29 A. Yes.

30 THE CHAIRMAN: There is living accommodation on



1 that; there are quarters anyway. But for the sake of
2 my example, if that living accommodation were taken out
3 and the same hulk kept, what would it be?

4 MR. JACQUES: That is a moot question, my
5 lord.

6 THE CHAIRMAN: I am just thinking of the
7 definitions.

8 MR. JACQUES: My lord, we shall be able to
9 have this afternoon all information required concerning
10 this hulk. I understand sometimes people live aboard,
11 and this is not a self-steering barge, scow or hulk, and
12 it has to be steered.

13 THE CHAIRMAN: I just bring it out to have
14 the definition of a scow and not a self-propelled vessel.

15 I think and bring this out, not only for this
16 particular ship, because I think just lately there was
17 also a vessel like that being towed in --

18 MR. JACQUES: I think that was at Vancouver.

19 THE CHAIRMAN: Whether at Vancouver or here I
20 don't know, but this was a question that happened, and it
21 might happen again.

22 Q. I refer now to paragraph 3 of the by-laws,
23 which states very broadly your duties, reading as follows:

24 "The Secretary under the direction of the
25 "pilots may make orders for the effective
26 "carrying out of this by-law".

27 Have you made any orders for the carrying out
28 of the by-laws, of any kind whatsoever?

29 A. Well, you would I suppose call it giving
30 an order when we assign the pilots to their particular



1 job. That is an order, and it is done verbally.

2 Q. Verbally?

3 A. In most of the cases, yes.

4 Q. And have you ever made any standing orders,
5 written ones?

6 A. Well, I can't think of any, but there are
7 certain things that are done insofar as the pilots'
8 annual vacations, and it is posted up on the board when
9 vacations will be taken, and their order of assignment.
10 I can't think of anything else.

11 Q. And now sir, I am advised, that certain
12 regulations concerning the transit of New Westminster
13 Railway Bridge have been made. Have they been made under
14 your seal, or under the seal of the Commission, or the
15 seal of the pilots?

16 A. They have been made, I would say, by the
17 Commission, but not as regulations. As recommendations,
18 recommendations put forth by the pilots.

19 Q. Would you have a certified copy of these
20 recommendations?

21 A. I don't have that with me now.

22 Q. Would you bring it this afternoon please?

23 A. Yes.

24 Q. Now I refer to sub-paragraph 3 of paragraph
25 3, which refers to your salary. I should like to know
26 whether you are a member of any union, or any group, or
27 whatever, which would negotiate your rate for you?

28 A. No, I am not.

29 Q. Could you be a member of the Canadian
30 Merchant Service Guild?



1 A. No.

2 Q. Now in paragraph 4 of the by-laws it reads
3 as follows:

4 "The number of pilots shall be determined
5 "by the Authority". Since you have been
6 in office has the number of pilots changed?

7 A. Yes. When I first came to the Pilotage
8 Authority, in 1952, there were five pilots. I think the
9 following year there were two more pilots put on, bring-
10 ing the number to seven, and it has remained at seven
11 since then.

12 Q. Since what year?

13 A. Since 1953 I think it was. I am not
14 positive on the date, 1953 or 1954.

15 Q. Would you obtain accurate information on
16 the exact number of pilots since 1958?

17 A. Since 1958?

18 Q. Inclusive.

19 A. Yes, but it has remained at seven.

20 Q. You are sure that it has remained at
21 seven since 1958?

22 A. Yes. There were possibly periods. There
23 was a man retired, and one man deceased, I am not sure of
24 the years, but there may have been a lapse of a short
25 time in between, until the new appointment was made.

26 Q. Would that appear in your annual report?

27 A. Yes.

28 THE CHAIRMAN: What I get there is that in fact
29 there were not seven pilots, but the number determined
30 by the Authority was always seven.



1 THE WITNESS: That is right sir.

2 THE CHAIRMAN: All the vacancies were not
3 covered, due to the death of a man or the retirement,
4 all the vacancies were not covered. There was one to
5 be filled?

6 THE WITNESS: Yes, for a short period sir.

7 Q. Now would you tell the Commission how this
8 number of seven was arrived at? By what means, by whom,
9 through what discussions?

10 A. Well, I think that it was --

11 Q. Have you personal knowledge of that?

12 A. Yes, I was there. I believe that the
13 pilots requested when I first came there in 1952 or 1953,
14 whenever it was, that the workload was becoming too
15 heavy, and it was necessary to put on another pilot, and
16 I think at that time it was finally agreed to put on the
17 two pilots, but that was subject to negotiation between
18 the pilots and the Commissioners.

19 Q. Were you supplied with statistics of
20 workload at that time?

21 A. Yes, at least we were able to arrive at it
22 from our records.

23 Q. From your own records?

24 A. Yes.

25 Q. From your own records for the years 1958,
26 1959, 1960, 1961, and 1962, would you be able sometime
27 later to supply the Commission with the following infor-
28 mation. The number of assignments, mind you, not ships,
29 but actual assignments, either a movage, or a pilotage
30 in or a pilotage out, which the busiest pilot did during



1 the busiest month, and also the number of assignments
2 which the busiest pilot did in the least busy month?

3 A. Yes sir.

4 Q. Now sir, Article 5 of the by-law, sub-
5 paragraph one, refers to the Pilots' Committee. Since you
6 have been in office could you tell us whether the Pilots'
7 Committee has been regularly appointed?

8 A. It has, yes.

9 Q. Does it work in co-operation with you
10 on any matters?

11 A. Yes, it does.

12 Q. Have you had any major difficulties in
13 working with the Pilots' Committee?

14 A. No, never.

15 Q. In your opinion, this is a very personal
16 opinion which I am asking you, do you think that the
17 Pilots' Committee serves a useful purpose?

18 A. I do.

19 Q. In what way sir?

20 A. Well, it alleviates the problem of seven
21 men coming with little problems and complaints, or what-
22 ever it might be. They get together themselves, and
23 quite often the little complaints can be talked out, and
24 ironed out amongst themselves. Anything that is neces-
25 sary, then the Pilots' Committee, or the Chairman of the
26 Committee, brings it to me, and then to the Pilotage
27 Commissioners if necessary.

28 Q. Does this Committee advise the Commissioners
29 on nautical matters?

30 A. Oh, yes, definitely.



1 Q. Has it been considered by you as one of
2 its duties to so advise?

3 A. Yes. I would say its main duty.

4 Q. Referring to sub-paragraph two of the same
5 Section, I see that nominations for appointment to the
6 Committee are addressed to you. What do you do with them
7 once they are addressed to you?

8 A. In effect they appoint their own Committee.
9 Then I notify the Pilotage Commissioners who the Pilots'
10 Committee are for the current year.

11 Q. You have nothing to do with the nomination?

12 A. No.

13 Q. You are just supplied with the list stat-
14 ing so and so and so and so?

15 A. Yes, and they are taken for the Commissioners'
16 approval, and of course they never, there never has been
17 any reason why they take exception to it, and this has
18 been accepted and approved by the Commissioners.

19 Q. Article 6, sub-paragraph two, concerning
20 exceptions, which reads as follows:

21 "ships not exceeding 250 tons are exempt --"

22 THE CHAIRMAN: You are talking of the Authority's
23 approval. Is that what you said?

24 THE WITNESS: Yes.

25 THE CHAIRMAN: Is that there in the by-laws?
26 No, I think from what I read from the by-laws it is a
27 matter of the pilots themselves to choose their own
28 officers or Committee, and that is an end of it.

29 THE WITNESS: That is right my lord. I meant
30 it would be just accepted and noted in the minutes.



1 Q. Section 6, paragraph 2, reads as follows:

2 "not exceeding 250 tons are exempt from the

3 "payment of pilotage dues". To your knowledge

4 why was this inserted in the by-laws?

5 A. Well, it was in the by-laws before my
6 time.

7 Q. Oh, it was?

8 A. Yes, in our previous by-laws, the older
9 by-laws, it was there, but as I understand it the
10 exemption used to be on 50 tons. Then this was in-
11 creased to 250 tons some years back.

12 Q. You wouldn't recall the year would you?

13 A. No, I don't.

14 Q. What purpose does this Section serve?

15 A. Well, it exempts, I think it does not
16 exempt too many ships. There aren't ships of that size
17 operating in and out of this port, but there is the odd
18 small foreign-going coaster. Possibly it would be --
19 well, I don't think there are any under 250 in operation
20 today.

21 THE CHAIRMAN: That would exempt automatically
22 the yachts?

23 THE WITNESS: Yes sir.

24 MR. JACQUES: Under 250 tons?

25 THE CHAIRMAN: Yes. Most of them at any rate.

26 THE WITNESS: Yes.

27 Q. Do you see any purpose in keeping this
28 particular Section, or sub-section?

29 A. At the moment I don't see that it is used
30 to any extent.



1 Q. Now sir, I refer you to Section 9 of the
2 by-laws, concerning disputes arising between pilots,
3 masters of ships, and others --

4 THE CHAIRMAN: Before you go further. Pilot
5 cards, that is Exhibit 153 that was filed before.

6 Q. To your knowledge has this Section ever
7 been used in any disputes?

8 A. No.

9 Q. When the question of taking bridge aft
10 ships through the Railway Bridge came up, did anybody
11 ever think, or mention using this Section?

12 A. No, I don't believe it was ever thought
13 of.

14 Q. So to your knowledge since you have been
15 in office nobody has raised this question of using
16 Section 9 for any purpose?

17 A. No, not to my knowlege.

18 Q. Do you think that it might be useful to
19 keep it on the books?

20 A. I can see where it possibly could. It is
21 always a safeguard there, and I think that it should be
22 kept on the books.

23 Q. Now sir, Section 10, referring to pilotage
24 funds. I think we have dealt with most of that. You
25 deposit monies in the bank of course?

26 A. Yes.

27 Q. Which bank?

28 A. The Royal Bank of Canada.

29 Q. Referring to sub-section 3 of Section 10,
30 the sharing of earnings, it states that the balance after



1 various deductions have been made shall be divided and
2 paid to each pilot of the District in equal shares. Have
3 you ever received any complaints as regards the sharing
4 equally of the pilotage fund? Nobody has suggested to you
5 that it might be shared differently, say on the number of
6 hours worked, or total number of jobs done?

7 A. No, that has not been suggested to my
8 knowledge.

9 Q. In Section 12, licensing of pilots, sub-
10 paragraph A states that the applicant must be a Canadian
11 citizen resident in the province of British Columbia.
12 Was that inserted in 1961, when the by-laws were revised?

13 A. No, that has been in effect for a number
14 of years.

15 Q. To your knowledge have you ever received
16 any applications from persons who had not been resident
17 in B.C. for at least two years?

18 A. Yes sir. I have applications from England.
19 There was one came in from the Orient a few years ago,
20 I think possibly someone who had been employed here at
21 one time.

22 Q. But these applications, did they come from
23 people who had had experience on the coast?

24 A. Some of them no. They had no experience
25 actually. They just saw an advertisement for a pilot and
26 they applied, but they didn't have the necessary
27 qualifications.

28 Q. To your knowledge since you have been in
29 office has this restriction ever prevented anyone who was
30 otherwise qualified from making a successful application?



1 A. This first sub-paragraph (a)?

2 Q. Yes.

3 A. No.

4 Q. It has never impeded anyone, never
5 prevented anyone?

6 A. In my experience no.

7 Q. How do you advertise for applications?

8 A. In the local newspapers. We have an advert-
9 isement in requesting applications for the position of
10 pilot on the Fraser River.

11 Q. Do you do that regularly every year, or
12 only as need arises?

13 A. Only as need arises.

14 Q. And this is done under the direction of
15 the Authority?

16 A. Yes.

17 Q. Have you got a waiting list of applicants?

18 A. No. Some of them -- we do at times receive
19 applications during the year, and we will notify them
20 that there are no pilots required at the present time,
21 and that application will be filed and they will be
22 notified if there is an opening.

23 Q. So you have a sort of waiting list of
24 applicants?

25 A. Yes. Then, when a pilot is required,
26 there may be two or three years elapse, then we would
27 go through that file and notify these people that --
28 or they will be notified by the advertisement again. We
29 do not give them priority.

30 Q. How many people have you got on that list



1 or file approximately?

2 A. Well, I think there was only -- we made
3 an appointment in January of this year, and I think there
4 was only three or four on file.

5 Q. And how many applications did you receive
6 after your newspaper advertisement?

7 A. 37 I think it was.

8 Q. Were they all qualified persons?

9 A. No. That boiled down then. There was
10 a number who didn't have the qualifications. Those
11 were weeded out, and I think it boiled down to about
12 12 who actually had qualifications.

13 Q. Would you be able to say what qualifications
14 the 25 others lacked?

15 A. Yes. They didn't have sufficient exper-
16 ience as master on the coast.

17 Q. Is that all?

18 A. In most cases. No, that is not all. Some
19 were under age, some were over age, and I can't think
20 of other particular reasons.

21 Q. But you had twelve?

22 A. I believe there was 12, yes.

23 Q. Applicants who were qualified under the
24 by-law, under Section 12?

25 A. Yes, that is right.

26 Q. And out of this 12 you chose one?

27 A. That is right.

28 Q. Among this 12 applicants could you tell
29 the Commission how many had certificates of master of
30 tugboat in home trade, or higher, by classes of certificate?



1 A. They would all have master of tugboat or
2 higher.

3 Q. Yes, but how many would have master of
4 tugboat, and how many --

5 A. I couldn't tell you offhand. I would have
6 to look that up.

7 Q. Would you look it up please?

8 A. Yes.

9 Q. Now, in the same vein, could you tell the
10 Commission the certificates which the present pilots
11 have? Whether it is all tugboat, or some of them are
12 deep sea certificates?

13 A. I believe there are two with deep sea
14 master. Yes, I believe there are two with deep sea
15 master, one with a master of passenger vessel in the
16 coasting trade. I believe the rest have, I am not quite
17 sure what qualifications, or the classification of their
18 tugboat master's.

19 Q. Would you check your files on that?

20 A. The certificates held by all, eh?

21 Q. Now, Section 13, the Board of Examiners.
22 Do you attend the examinations of pilots?

23 A. I do, yes.

24 Q. Do you act as Secretary of the Board of
25 Examiners?

26 A. Yes I do.

27 Q. Would you describe how the last examination
28 which you attended was carried out?

29 A. Yes, the Board consisted of the Assistant
30 to the Chief Examiner, Masters and Mates, one of the



1 Pilots' Committee, a master operating on the river,
2 representative of a local concern, a marine man, and
3 one of the Commissioners was the four men on the Board.
4 The pilot was examined verbally only. There was no
5 written examination.

6 Q. On what matters was the examination verbally?

7 A. On all matters. His knowledge of the
8 rule of the road, his knowledge of the local District,
9 depths of water in various areas, ship handling. The
10 questioning was done by the actually three technical
11 men, the Examiner, Masters and Mates, the pilot, and the
12 other marine man, and they would take turns questioning
13 him on various aspects of navigation on the river.

14 Q. This last applicant, was he issued a
15 probationary licence?

16 A. Yes, he was issued a probationary licence
17 for a period of one year.

18 Q. Are there any restrictions on his duties
19 due to the fact that he holds a probationary licence?

20 A. Yes there are. The first 30 days he
21 travels with another pilot, observing, and breaking in,
22 familiarizing himself with the operation of the deep sea
23 vessels, which in some cases he is not familiar with,
24 being a tugboat man. He is, you might say, trained by
25 the other pilots, and then at the end of 30 days he is
26 put on his own, piloting vessels. Usually he starts out
27 in the daytime, to some of the docks in the main river,
28 where the least restrictions, or the least possibility
29 of trouble is. Then, after he has been at this approx-
30 imately six months before he takes a ship up through the



1 Bridge, in the meantime he is riding with other pilots
2 back and forth, and gaining further knowledge in this
3 area.

4 Q. For one month he travels with another
5 pilot?

6 A. That is right, he does nothing on his own.

7 Q. Anywhere within the District?

8 A. Yes.

9 Q. And then for three months after this one
10 month he is on his own in the river?

11 A. That is right.

12 Q. But he does not go through the Bridge?

13 A. He does not go through the Bridge, nor
14 does he back ships into one area of the port, into the
15 mouth of the North Arm at the Pacific Coast terminals
16 plant. That is a confluence of the North Arm and the
17 main channel of the river, and there are difficulties
18 there with current, back eddies and tide and it is
19 considered that he has to have a lot more experience
20 before he can endeavour to carry out pilotage in that
21 area.

22 Q. Let me get this straight. So now he has
23 been working four months, and then you say that for six
24 months after that he rides with another pilot again?

25 A. No, no. During this six month period,
26 the one month of training and the next five months, he
27 is riding approximately that length of time before he
28 goes up through the Bridge.

29 Q. Oh, I thought you said three months, but
30 it is five months?



1 A. About five months, yes.

2 Q. And then for the remaining six months?

3 A. Well, he is taking ships to all areas
4 of the District.

5 Q. On his own?

6 A. That is right.

7 Q. Who made these regulations?

8 A. I think they just like sort of grew as
9 time went on and experience dictated that it was advisable
10 for the safety of navigation to make sure the man had
11 full knowledge of the area before he was allowed to go
12 into it. I believe there have been exceptions before I
13 came, where pilots who had been working in the river --

14 Q. Well, before you came. That is not within
15 your knowledge, but at any rate since you have been in
16 office these regulations have existed and been applied?

17 A. Yes, there is no written law. It has just
18 been the accepted way of doing it.

19 Q. And after the probationary pilot completes
20 his one year, what happens to him?

21 A. Well, if the reports have been good by
22 myself, my knowledge of his activities, and reports by the
23 pilots that they make no bad reports on him, the Pilotage
24 Authority Commissioners then grant him a permanent
25 licence.

26 Q. Has it ever happened that you had to
27 withdraw a probationary pilot's licence?

28 A. No.

29 Q. Never?

30 A. No.



1 THE CHAIRMAN: And during that probation period
2 what about his remuneration?

3 THE WITNESS: It is stipulated in the by-laws
4 at the present time here. He receives 75 per cent of
5 a pilotage share, under Pilotage Fund Section 10(b).

6 Q. Now, concerning eyesight -- before we
7 go on to the next subject, I note that Section 12, sub-
8 section (e) states that the applicant must be of good
9 character. How do you ascertain whether he is of good
10 character or not?

11 A. Well, that is something that is possibly
12 knowledge -- in most cases seafaring men seem to know
13 one another, and if there was anything detrimental to
14 a man's character it is usually passed by word of mouth
15 and we know about it.

16 Q. Do you request any letters from the police
17 authorities or previous employer?

18 A. We usually have letters, yes, from his
19 previous employers as to his ability and character, and
20 his character is usually mentioned there, that he is a
21 sound, sober man.

22 THE CHAIRMAN: I suppose you rely also on
23 local knowledge.

24 THE WITNESS: That is right, my lord.

25 MR. JACQUES: Well, it is stock in trade, local
26 pilots' knowledge.

27 THE CHAIRMAN: I mean local knowledge about the
28 man.

29 Q. Now, sir, Section 19, which reads as
30 follows: "No pilot shall engage in any employment or



1 undertaking other than his regular duties as a pilot
2 except with the written consent of the Authority".

3 Is there any pilot employed otherwise on pilotage duties
4 in your District?

5 A. No, there is not.

6 Q. Within the times of your term of office
7 has it ever happened that a pilot has been gainfully
8 employed elsewhere?

9 A. No, not to my knowledge.

10 Q. Now, coming to Section 24, sub-paragraph
11 (f), which reads as follows: "No pilot shall refuse,
12 except because of danger to the vessel, to conduct a
13 vessel to which he has been assigned to or from any place
14 within the District when requested to do so by the master
15 of the vessel."

16 Who inserted this clause in the by-law?

17 A. I believe it was -- I am not positive that
18 was in our older by-laws, but this was drafted up by the
19 Department.

20 COMMISSIONER SMITH: Who decides the question of
21 the danger to the ship?

22 MR. JACQUES: That is just what I was going to
23 ask.

24 Q. What do you mean by "danger to the vessel"?
25 Or what is meant by "danger to the vessel"?

26 A. It states that no pilot shall refuse except
27 because of danger to the vessel. It would have to be,
28 then, I would say, the pilot having the local knowledge
29 of the area that he was going to, would have to recommend
30 that it was or was not a dangerous area. He would be the



1 only man there that would know.

2 Q. You said that you think this is what
3 happened. But have you any personal knowledge of disputes
4 over the definition of what constitutes danger?

5 A. No, we have never had any disputes between
6 the pilots and the Commissioners, to my knowledge.

7 Q. Between pilots and masters, pilots and
8 shipping companies, the Pilotage Authority and shipping
9 companies?

10 A. There have been occasions when pilots,
11 after having been requested to take a vessel to a certain
12 area, have recommended that it was a dangerous operation.

13 Q. And was this recommendation accepted by
14 the master concerned?

15 A. Yes.

16 Q. In your view is it not a proper subject to
17 be decided in accordance with Section 9 of the by-law,
18 a dispute between any master and the pilot?

19 THE CHAIRMAN: If there is a dispute.

20 MR. JACQUES: If there is a dispute, yes.

21 A. Yes, I suppose it could be discussed. But
22 then the Commissioners are not technical men, and if they
23 are advised by the men that they hire as pilots that it was
24 a dangerous procedure, then I don't see how they can over-
25 rule them. They would have to be guided then and rule and
26 their decision would be final, that it is a dangerous
27 operation and should not be carried out.

28 Q. So from what I gather, the pilot should
29 decide whether there is danger or not?

30 A. That is right.



1 Q. And he would, in fact, have the last word?

2 A. I would think so.

3 THE CHAIRMAN: Except that a master is not bound
4 by his refusal. If he wants to take the ship, he could
5 do that on his own responsibility, couldn't he?

6 MR. JACQUES: According to the present state of
7 the law, he certainly could, my lord, no doubt about it.

8 THE CHAIRMAN: To continue on this question, so
9 far as the master is involved, he has always accepted the
10 pilot's ruling as to a dangerous place.

11 THE WITNESS: That is correct, my lord.

12 THE CHAIRMAN: So they have not carried on their
13 own?

14 THE WITNESS: No.

15 Q. As regards discipline, have you any problem
16 with discipline within your District?

17 A. No, I have not, I have never had any problem
18 that way.

19 Q. Have you ever had occasion to have a pilot
20 before the Authority for any breach of any kind?

21 A. No, I have not.

22 Q. It has never happened?

23 A. No.

24 Q. And how long have you been in office?

25 A. 12 years almost.

26 Q. No case of drunkenness on duty?

27 A. No.

28 Q. Or accidents?

29 A. Possibly an accident. A number of years
30 back there was an occasion when the Commissioners would



1 investigate all evidence of any accidents, and that would,
2 I think, be the only time that a pilot would be reported
3 to the Commissioners.

4 Q. So Section 25 is useless?

5 A. Well, it is still there.

6 Q. Now, sir, annual vacation and leave of
7 absence. With reference to the subject matter, I should
8 like you to tell the Commission the average working hours
9 of a pilot per day or per week.

10 A. I wouldn't have the knowledge; I wouldn't
11 know offhand. I would have to get that information.

12 Q. But would you say that a pilot here works
13 seven days a week or five days a week or four days a week?

14 A. I would think that he would do a job --
15 it would be more like four days a week he would do pilot-
16 age. Sometimes they work every day, and sometimes they
17 don't do anything for two or three days. But I would
18 think possibly four days a week.

19 THE CHAIRMAN: But is he not always on call?

20 THE WITNESS: Yes, he is on call, definitely.
21 Although he may not go out and pilot ships, he is on call
22 at all times.

23 THE CHAIRMAN: So he is not away from duty, in
24 the sense that he can leave the District for 48 hours,
25 for instance?

26 THE WITNESS: That is correct. He must advise
27 me where he is at all times so as I can contact him.

28 MR. JACQUES: Well, your lordship brought a
29 question to my mind. Your lordship said he would not be
30 off duty.



1 Q. What do you consider duty, on or off?

2 A. Well, he is actually on duty at all times.

3 He must make himself available to pilot a ship whenever
4 he is called, and neither he nor I know when that may be.
5 We usually have some warning ahead, so if a man wants to
6 take his wife out to a show or something we can advise
7 him whether he is clear to do that or not, but otherwise
8 he is on duty.

9 Q. And when you say on duty you mean available
10 for work?

11 A. That is right.

12 COMMISSIONER SMITH: Keeps himself available for
13 call.

14 THE WITNESS: That is right, sir.

15 Q. Would you refer to sub-section 9 of Section
16 26, concerning injuries on duty. Would you place the
17 same interpretation on duty in that sub-section as you would
18 generally?

19 A. Well, no, that has a different meaning
20 there. This is definitely on duty piloting a ship.
21 Certainly he would not be paid, given that sick leave, if
22 he was at home while waiting for a call.

23 Q. So he would be on duty for the purpose of
24 subsection 9 whilst travelling to and from the ship?

25 A. I would say yes. That is definitely part
26 of his duty, if he travelled from here to Steveston to
27 board a ship. I don't think that you could consider his
28 duty as just while he is on board that ship. It is part of
29 the job of piloting, to go to that place and pick up that
30 ship.



1 Q. Now, sir, Section 27, unfitness for duty.

2 Have you any comments to offer on that Section?

3 A. No, I don't think I have.

4 Q. Now, as regards the schedule which contains
5 the dues, I would ask you to prepare for the Commission for
6 the years 1958 and through, sir, to 1962 inclusive a
7 breakdown of revenue, gross revenue, for each item in the
8 schedule, that is revenue derived from piloting inward
9 and outward, movage, detention, dead ship, cancellation,
10 boat service and any other charge?

11 A. Very good.

12 Q. I know it is a tall order.

13 A. Yes, it will take a lot of digging.

14 Q. But you are the major administrator for
15 the local Authority, and we feel we should have that.

16 A. It can be obtained.

17 THE CHAIRMAN: When do you want that?

18 MR. JACQUES: I was just going to ask him when
19 he could prepare it.

20 THE WITNESS: Well, it is going to take a lot
21 of digging. We have to take our pilotage cards and go
22 through them card by card and list our charges.

23 MR. LANGLOIS: I have it here, such a breakdown
24 for 1962.

25 MR. LEGG: My lord, I would like to know on
26 behalf of Crown Zellerbach what the pattern has been of
27 revenue received with regard to the old Fraser River Bridge,
28 or the Westminster Bridge.

29 THE CHAIRMAN: Could this information be obtained
30 readily?



1 THE WITNESS: That would be one of the items
2 that would show on this information.

3 THE CHAIRMAN: But that part of the information,
4 could it be obtained readily without doing all the other
5 calculations?

6 THE WITNESS: Yes, I think so.

7 THE CHAIRMAN: I don't want to rush you, and
8 information which is not necessarily here at the present
9 time you could sent to us later on.

10 THE WITNESS: Yes. There is a breakdown of
11 all this information we have, except that it is a little
12 different from what you suggested. We have net tons --
13 you say you would like it inward and outward? This is
14 net tons.

15 MR. JACQUES: The witness refers to a document
16 which has been prepared in his office giving a breakdown
17 of the gross revenue on a net ton basis, gross ton basis,
18 shift, boat dues, cancellation, bridge charges and taxi
19 charges, and also showing the percentage of each particular
20 item against the total.

21 THE WITNESS: That would suffice, if that is
22 what you want.

23 THE CHAIRMAN: I would suggest you look over this
24 document, and if you find there all the necessary inform-
25 ation, then you may take this document and the same for
26 other years.

27 MR. JACQUES: My lord, the witness will have the
28 requested information this afternoon for the years 1960,
29 1961 and 1962.

30 THE CHAIRMAN: And could it be obtained for the



1 two previous years later on?

2 MR. JACQUES: Yes, later on, my lord.

3 THE CHAIRMAN: So would you be satisfied with
4 that?

5 MR. LEGG: Yes, that will suffice. I haven't
6 seen the figures yet, and the two previous years might
7 indicate they are different.

8 THE WITNESS: This item would not refer to Crown
9 Zellerbach.

10 MR. LEGG: Does that information contain that
11 of going through the Bridge?

12 MR. JACQUES: It does, but it is not all Crown
13 Zellerbach.

14 Your witness.

15 COMMISSIONER SMITH: If your lordship pleases,
16 there are two or three questions I would like to ask the
17 witness on the by-law.

18 Q. In Section 6, sub-section 2, "ships exceed-
19 ing 250 tons are exempt from the payment of pilotage dues".
20 I gather from what you said that that was sort of a useless
21 sub-section in the by-laws now because it didn't apply.
22 Am I stating it correctly?

23 A. Well, yes, I believe I did state that.
24 It has not been used to any extent. Whether it may be in
25 the future, of course, we don't know.

26 Q. Would you think there would be any objection
27 to an easment of that sub-section by anybody?

28 A. It might leave an opening there for various
29 ships of that size, if they knew there was no pilotage
30 charge, to start operating. I would think that it should



1 be maintained.

2 Q. I understand that under one of the Sections
3 of The Canada Shipping Act it requires the Authority to
4 file with the Department of Transport every year. I can't
5 find the exact Section and I haven't got the exact wording,
6 but my question is this: Do you file any other documents
7 in addition to the annual report?

8 A. Yes, we also file a copy of the auditor's
9 report and financial statement. There is a copy of that
10 sent each year to the Department of Transport.

11 Q. Well, the financial statement is pretty
12 well covered in this annual report.

13 A. It is almost identical, sir.

14 Q. It is identical?

15 A. Yes.

16 Q. So in addition to this you just file an
17 auditor's certificate; is that right?

18 A. Yes, sir.

19 Q. And nothing more?

20 A. No, that is all we actually file. We do
21 provide additional information when it is requested by
22 the Department.

23 Q. And one other short question. I think it
24 was covered before. There are three members of the Pilot-
25 age Authority Commission?

26 A. That is correct, sir.

27 Q. They are all non-technical men; you used the
28 phrase, I think, "non-technical". They have no master's
29 certificate or seagoing experience of any kind?

30 A. That is correct, sir.



1 MR. JACQUES: Before we go on, I have a few
2 short questions.

3 BY MR. JACQUES:

4 Q. The licences issued by the Authority, are
5 they for an unlimited period of time?

6 A. Yes.

7 Q. Without any restriction as to tonnage?

8 A. Yes, no restriction.

9 Q. Has any thought ever been given to issuing
10 various classes of licences based on tonnage?

11 A. Not to my knowledge, no.

12 Q. For limited periods of time?

13 A. No.

14 MR. JACQUES: Thank you. Your witness.

15 THE CHAIRMAN: I think we will adjourn now before
16 starting cross-examination. We will adjourn until 2:30.

17
18 ---WHEREUPON THE HEARING ADJOURNED AT 1:00 P.M. UNTIL
19 2:30 P.M.

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21 * * * * *

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1 ---UPON RESUMING AT 2:30 P.M.

2

3 Q. I have one more question to put to the
4 witness my lord.

5 As regards accidents in the river, I am advised
6 that some minor accidents may have happened, and in fact
7 have happened. Have these been reported to you?
8 I am referring particularly to one in July 1962?

9 A. I can't recall of any accident at that
10 time sir. Could you say what type of accident?

11 Q. I am advised that the vessel damaged some
12 piles, and the name of the vessel was the "Cluny Park"?

13 A. I would have to check into my records and
14 make sure. I don't recall that particular incident. It
15 may be that if it was damage of a minor nature it may
16 not have been reported.

17 Q. Well, is it the habit that when any dam-
18 age of a minor nature is done that it is not reported to
19 you?

20 A. I believe that possibly at times if it is
21 a cracked pile or a broken pile maybe it is not reported.

22

23 CROSS-EXAMINATION BY MR. LANGELOIS:

24

25 Q. Mr. Warren, I have here Exhibit 149.
26 Would you tell the Commission as to whether or not any
27 of the expenses under the heading of expenditure on the
28 back of this form are borne by the shipping industry?

29 A. I don't have a copy of the exhibit.

30 Q. I am referring to these expenditures like



1 salaries, unemployment insurance. You have the sub-title
2 "Sundry Expenses"?

3 A. No, all this expense comes out of the
4 revenue of the pilotage fees.

5 Q. In other words, all these expenses are
6 borne by the pilots?

7 A. That is correct.

8 Q. Now, you filed this morning Exhibits 150
9 and 151, concerning the pension plan of the local pilots.
10 Were you in office when this pension plan came into force?

11 A. I was.

12 Q. When was that?

13 A. October the 1st, 1958, I believe.

14 Q. What was the plan in force before that?

15 A. It was a little private superannuation
16 fund, into which seven per cent of the gross revenue of
17 the District was put. It was administered locally by the
18 local Commissioners. The money was deposited in the bank,
19 and as sufficient accumulated it was invested in Dominion
20 Government Bonds.

21 Q. Was approval obtained from Ottawa? By
22 Ottawa, I mean the Department of Transport, before this
23 new plan was put into force?

24 A. Yes it was, and also through them I believe
25 the Department of Finance.

26 Q. Now, mention was made this morning of
27 bank loans. I understand there are no bank loans at
28 present?

29 A. None at present, no.

30 Q. What about in the past? Did you ever have



1 to resort to bank loans to administer your District?

2 A. Yes, on one occasion, I believe just the
3 one occasion since I have been here, there was one bank
4 loan in 1958, to pay for the cost of refit and repairs,
5 and bringing up to standards, of the pilot boat.

6 Q. Who made that loan? Was it the Authority
7 or the pilots?

8 A. The Authority made the loan.

9 Q. And I imagine the interest payable under
10 that bank loan was taken out from the gross revenues of
11 the District?

12 A. The current revenue of the District, that
13 is correct.

14 Q. What was the amount of that bank loan, do
15 you remember?

16 A. Twenty-five thousand dollars.

17 Q. Now, about these office expenditures.
18 Who makes the decision about them? Is it the Authority
19 or yourself? For example, if you want an additional
20 desk in your office, who decides that?

21 A. The Pilotage Commissioners I believe would
22 be the men that would make the decisions. I would not
23 make it myself. It would possibly be taken up with the
24 Pilots' Committee, and with their okay, then approved by
25 the Pilotage Authority.

26 THE CHAIRMAN: When you mentioned Pilotage
27 Commissioners, was that the Committee men?

28 THE WITNESS: No, I was thinking of the Commis-
29 sioners of the New Westminster Pilotage Authority.

30 Q. And if I understand you correctly, sometimes



1 the Pilots' Committee, meaning the pilots this time, are
2 consulted?

3 A. Yes, at various times on certain things.

4 Q. But not all the time?

5 A. I can't think actually of any expenditures
6 that we have made. I don't think --, there may be times.
7 I can't recall.

8 Q. Now, mention was made this morning of the
9 saving realized by your Authority when the pilot boat
10 was taken over by the Department of Transport. Is it
11 not a fact that at the same time the charge to shipping
12 for the use of the pilot boat was increased?

13 A. That is correct.

14 Q. What was the previous figure?
15 I understand now it is \$10.00 per trip?

16 A. It was up to the time the Department took
17 it over, it was \$5.00 per trip, and it was increased to
18 \$10.00 per trip.

19 Q. Is it not a fact, Mr. Warren, that the
20 only expenditure borne by shipping of all the expenditures
21 listed in your annual report, the pilot boat charge is
22 the only one borne by the shipping industry?

23 A. That is correct, yes.

24 Q. Do you remember what was the annual
25 cost of operation of this pilot boat when it was operated
26 by the pilots, or by the Authority?

27 A. No, I wouldn't have these figures in my
28 memory at the moment.

29 Q. In the financial statement for the year
30 1962, this is the last page of the statement, where you



1 have the distribution to pilots, I find here that all the
2 pilots got the same amount of money, except for one
3 Captain Duncan. He received only \$11,893.00, as compared
4 to \$12,894.67 for the others. What was the reason for
5 that?

6 A. Captain Duncan retired voluntarily on
7 the 30th of November 1962.

8 Q. That was before the end of your fiscal
9 year?

10 A. Yes.

11 Q. I see that for the year 1962 there was
12 no distribution made to a probationary pilot. Am I to
13 understand that you had no probationary pilot during that
14 year?

15 A. That is correct.

16 Q. So is it not a fact, Mr. Warren, that
17 active pilots have to in some way subsidize the training
18 of the probationary pilot by paying him 75 per cent of
19 their net earnings whilst he is in training?

20 THE CHAIRMAN: When he is training. Do you
21 mean during the six months?

22 MR. LANGLOIS: I mean during the first year.

23 THE CHAIRMAN: He is doing pilotage work during
24 the last six months.

25 MR. JACQUES: It is only the first month of
26 his probation that he is not actually earning money.

27 MR. LANGLOIS: Yes, the first 30 days he is
28 not doing any work alone.

29 THE CHAIRMAN: That is right.

30 MR. LANGLOIS: And then there is another period,



1 which I think is six months, he does work in company with
2 another pilot.

3 THE CHAIRMAN: No, he can't go through the
4 Bridge.

5 Q. Partially in company with another pilot
6 then. But during this period of time that he does work
7 for 30 days with another pilot, or for this second period
8 where some of the work he performs is done with another
9 pilot, he is getting his 75 per cent?

10 A. He is receiving 75 per cent of a pilot's
11 share during the first year.

12 Q. And there is no charge made to shipping
13 for this probationary pilot, is there?

14 A. No, just the regular dues.

15 THE CHAIRMAN: Even if there are two aboard.
16 I mean, even if he is with another pilot. It is just
17 the charge in your by-laws?

18 THE WITNESS: That is correct my lord.

19 Q. I understand that the pilotage card is
20 supplied by your Authority, is that a fact?

21 A. That is correct.

22 Q. It is not a form that was sent to you by
23 Ottawa?

24 A. No.

25 Q. I find on this card, my lord, and I wish
26 to point this out, that contrary to the pilotage source
27 form there is a note at the bottom of this card that this
28 card must be completed and signed by the master, whilst
29 in the case of the pilotage source form it can be
30 completed by the pilot and signed by the master.



1 I am referring to the instructions on the
2 pilotage source form, but in practice, that is the
3 question I wanted to ask you, Mr. Warren, in practice
4 who fills this card?

5 A. The pilot.

6 Q. The pilot does?

7 A. On information received from the master.

8 Q. Now, mention was made this morning of
9 the deduction of income tax. When was this started,
10 this practice of deducting, the Authority deducting on
11 a monthly basis the income tax payable by pilots?

12 A. It was in effect when I took over as
13 Secretary in 1952, and the records I imagine would show
14 when that began, but I believe it would be when it was
15 first made mandatory for employers to do this.

16 Q. Have you ever been given the reason why
17 this deduction was made by the Pilotage Authority?

18 A. No.

19 Q. Now, about Workmen's Compensation. How
20 long has this practice of contributing to the Workmen's
21 Compensation fund been in effect?

22 A. It was in effect when I became Secretary,
23 and I couldn't say how long before that.

24 Q. That was before your time?

25 A. That is right.

26 Q. Is it the contribution on behalf of the
27 employer, or on behalf of the employee?

28 A. On behalf of the employer.

29 Q. On behalf of the employer only?

30 A. That is right.



1 Q. Can you tell the Commission as to whether
2 or not, and if you don't know this, well, just say no,
3 as to whether or not your Pilotage Board was requested
4 by the Workmen's Compensation Board of British Columbia
5 to make such deductions?

6 A. I do not know.

7 Q. I beg your pardon?

8 A. I do not know if they were asked.

9 Q. I assume also that you do not know as to
10 whether or not the pilots would come under the Workmen's
11 Compensation Act of British Columbia?

12 A. No.

13 THE CHAIRMAN: Before you leave this subject,
14 you say that the deductions are made on behalf of the
15 employers only. What do you mean by employers?

16 THE WITNESS: Well, again for comparison my
17 lord, going back to industry, all contributions to the
18 Workmen's Compensation Board in British Columbia are made
19 by the employer. On behalf of the employee, but by the
20 employer. There is no charge against the employee.

21 THE CHAIRMAN: And were there any occurrences
22 where this compensation was applied to one of your pilots?

23 THE WITNESS: Yes, in the last twelve years
24 I have been there I think there have been two occasions.

25 THE CHAIRMAN: And the Board paid?

26 THE WITNESS: Yes.

27 THE CHAIRMAN: They paid compensation for the
28 time of the injury, the incapacity?

29 THE WITNESS: That is correct.

30 MR. JACQUES: Would you look through your files,



1 and see if you can find out any correspondence exchanged
2 between the Authority and the Workmen's Compensation Board?

3 THE WITNESS: Yes.

4 MR. LANGLOIS: My lord, I am given to under-
5 stand that the pilots decided to come under this Workmen's
6 Compensation Act, because it was a cheaper form of insur-
7 ance against accident.

8 THE CHAIRMAN: I am wondering how legal it is.

9 MR. LANGLOIS: I understand there was no
10 compulsion. They went under it voluntarily.

11 THE CHAIRMAN: But then maybe the status is
12 going to be fought in court in a big case, and they are
13 going to be without any insurance whatsoever. So that
14 is the situation that has to be cleared up.

15 I would like that a copy of the law be provided
16 also, so that we have it in Ottawa with us.

17 MR. JACQUES: Yes my lord.

18 Q. This form on which you filed your annual
19 report. Is it a form provided to you by the Department
20 of Transport?

21 A. That is correct.

22 THE CHAIRMAN: That is Exhibit 149?

23 MR. LANGLOIS: 149 my lord.

24 Q. Now, this morning Mr. Warren reference
25 was made to sub-paragraph (f) of Section 24 of your
26 by-laws. Is it to your knowledge that pilots have
27 refused in the past to take charge, or to conduct a
28 vessel on grounds of danger to the vessel?

29 A. No, not to my knowledge have they
30 refused. They have recommended strongly against conducting



1 vessels in certain areas.

2 Q. And I understood you to say this morning
3 that masters have complied with the advice of pilots,
4 and that you have received no complaints in this respect.
5 Is that a fact?

6 A. As far as I can recall there have been
7 no cases where they overruled the pilot.

8 THE CHAIRMAN: And to go further in the same
9 line of thought, no dispute was brought under Section 9
10 of the by-law?

11 THE WITNESS: No disputes have ever been
12 brought under Section 9. That is correct.

13 MR. JACQUES: And have you received any complaints
14 from anyone, not only from ship masters, but from shipping
15 people?

16 THE WITNESS: Yes, we have received complaints
17 that certain ships were not going into certain areas, and
18 we have had correspondence concerning it, and it has been
19 referred to the pilots, and always the Pilotage Commissioners
20 have felt that they must be guided by the advice of the
21 pilots.

22 Q. You are referring, I assume, to this
23 Railway Bridge when you say that?

24 A. I think that is the only place where this
25 has happened.

26 THE CHAIRMAN: Well, on that you said on a few
27 occasions you received complaints like that. Those
28 complaints would be a form of disputes coming under
29 Section 9:

30 "All questions and disputes arising between



1 "pilots, masters of ships and others respecting
2 "pilotage matters shall be referred to the
3 "Authority in writing for adjustment and a
4 "decision; ---"

5 You received that " --- and the decision of
6 the Authority shall be final".

7 You received that. That is what you said,
8 so you received some?

9 THE WITNESS: That is correct my lord.

10 Q. But I understand that all these complaints
11 to which you are referring now had to do with the taking
12 of a ship with everything aft through that Railway
13 Bridge. Is it a fact?

14 A. Yes, I can't at the moment recall of any
15 other.

16 Q. But do you recall if these complaints were
17 refused before the Authority had made up its mind regard-
18 ing this question, or after?

19 A. I think that would be after.

20 Q. Is it not a fact that the Pilotage Auth-
21 ority decided about this matter of taking ships through
22 the Railway Bridge, and that complaints were made after
23 the decision was made only?

24 A. Yes.

25 THE CHAIRMAN: On those complaints you received,
26 so therefore the decision had been arrived at prior to
27 the complaint being received, so therefore there was not
28 any reviewing of the matter?

29 THE WITNESS: No my lord. I believe it was
30 reviewed. The pilots would make the recommendation, and



1 it was reviewed, and it was decided to recommend that
2 this should be so.

3 THE CHAIRMAN: Well, were the ship authorities
4 involved called upon to appear before the Commissioners,
5 in order to give some evidence, or some further information
6 to back up their claim?

7 THE WITNESS: No sir.

8 THE CHAIRMAN: So they just consulted the
9 pilots?

10 THE WITNESS: That is quite true.

11 MR. JACQUES: My lord, if I may interrupt
12 here, do you recall writing to Mr. Clayton, Port Manager,
13 on December the 3rd 1962 concerning the passage of
14 bridge-aft vessels through the Railway Bridge?

15 THE WITNESS: I recall there was some correspond-
16 ence.

17 MR. JACQUES: Would you be kind enough for the
18 moment to supply me with your whole file concerning that
19 matter?

20 THE CHAIRMAN: I understand that this will come
21 later on from the briefs I have seen. I don't want to
22 enlarge on that at the present time.

23 MR. JACQUES: This is why I didn't touch this
24 matter too deeply this morning my lord, but when these
25 questions will be asked I will have the file of the Author-
26 ity available.

27 THE CHAIRMAN: Yes, but I just wanted to know
28 what procedure was being followed in regard to those
29 disputes. So what I found is only that the shipping
30 interests are not called to give their views on that.



1 MR. JACQUES: That is right. Their views were
2 expressed in the recommendations made before the shipping
3 people --

4 THE CHAIRMAN: Well, they complained and then
5 the pilots were consulted anew, but not the shipping
6 people, so they didn't have their day in court.

7 MR. JACQUES: That is right my lord.

8 THE CHAIRMAN: It is not that the decision
9 may be wrong. I am not questioning the decision at all.
10 It is just the procedure.

11 Q. Now, regarding the choice made among
12 candidates for probationary pilot's licence, who makes
13 the final selection?

14 A. The Pilotage Commissioners.

15 Q. Is it not a fact that so far in the past
16 the Commissioners have always made this selection on the
17 basis of marks obtained at the examination by the
18 candidate?

19 A. Yes, I believe that is correct.

20 Q. So it has been the practice that the
21 candidate with the highest marks would get the job?

22 A. That is my understanding, yes.

23 THE CHAIRMAN: Taking also into consideration
24 the other requirements, such as good conduct, etc.

25 MR. LANGLOIS: Yes, well, I think it has been
26 found that always the man with the highest marks also
27 always had the best conduct my lord.

28 Q. During the period of probation is the
29 probationary pilot called upon to assist another pilot
30 on a minimum number of jobs, or is it only a period of



1 30 days, and that ends there?

2 A. It is just a period of 30 days. There
3 is no stipulated number of jobs.

4 THE CHAIRMAN: And does he follow always the
5 same pilot?

6 THE WITNESS: No, he takes a turn with all
7 pilots. Pardon me, I didn't catch the question.

8 THE CHAIRMAN: You say he is always with another
9 man, but he is not on the roll, so how is this going to
10 be arranged?

11 THE WITNESS: He usually works about 24 hours
12 a day, ten days a week, to get in all the possible exper-
13 iences he can at the time.

14 THE CHAIRMAN: So you see that he gets the
15 experience. You are the one that dispatches him?

16 THE WITNESS: That is right sir.

17 Q. Now, Mr. Warren, I see that under Section
18 26 the provision is made for annual vacation and leave
19 of absence, including sick leave, and as I go over your
20 annual report for the years -- I know you have filed for
21 1960, 1961 and 1962 -- I fail to see any item to cover
22 this sick leave. Am I to understand that if a pilot is
23 granted, say, leave of absence he gets his share of the
24 gross revenues of the pilotage district just the same as
25 a pilot who is on duty?

26 A. Yes, that is correct, for a period of two
27 months at full pay and one month at half pay.

28 Q. In other words, his confreres, the other
29 pilots, each contribute to this sick leave or leave of
30 absence?



1 A. Correct.

2 THE CHAIRMAN: It is not co-insurance.

3 Q. Now, mention was made this morning of
4 this 250-ton exemption. Is it not a fact that that
5 exemption is necessary on account of these smaller tugs
6 using your river here?

7 A. Yes, if they are foreign tugs, then they
8 would be liable to pilotage, that is correct.

9 Q. So that is the reason for this exemption?

10 A. I would presume it was.

11 Q. That is sub-section (2) of Section 6?

12 A. Yes.

13 MR. LANGLOIS: That is all, thank you.

14 MR. LEGG: With the permission of the Commission,
15 I would like to postpone my cross-examination of Mr.
16 Warren until tomorrow morning, my lord. The reason being
17 that the information regarding bridge charges is not
18 available. It may shorten my cross-examination tomorrow.

19 THE CHAIRMAN: That is all right. There are
20 quite a few things that Mr. Warren has to provide already.
21 We will adjourn his cross-examination until tomorrow
22 morning.

23
24 CROSS-EXAMINATION BY MR. CLYNE:

25
26 Q. Mr. Warren, I don't like to go over what
27 Commission counsel has already gone over, but I would
28 like to ask you concerning the preparation of the T-1
29 income tax returns. Do you prepare those for the pilots?

30 A. Yes.



1 Q. And would you include in the income the
2 pension deductions?

3 A. No.

4 Q. Are the pension deductions then additional
5 to the income?

6 A. That is correct.

7 Q. And so it would be fair to say that the
8 pilot's total earnings would be the division which he
9 receives at the end of the year plus the pension?

10 A. Yes, that is correct; the pension is
11 in addition to the pilot's share of the residue of the
12 revenue.

13 Q. Now, concerning the days off, are there
14 any consecutive days per month which the New Westminister
15 pilots receive off?

16 A. Not officially. There is no provision
17 made for days off. The only leave of absence set up in
18 the by-laws is 30 days every year. The pilots do try
19 to arrange amongst themselves that they will have three
20 of four days off, whatever the work load will allow, and
21 the rest of the pilots pick up that extra work. So that
22 a man does have three or four days clear every month.

23 Q. Is this the general situation, that each
24 pilot has three or four days off each month?

25 A. Yes.

26 THE CHAIRMAN: It could be taken care of under
27 Section 26, paragraph (2), temporary leave, but it isn't
28 done.

29 THE WITNESS: It is given approval by the
30 Commissioners, but it is not covered definitely in the



1 by-laws as such.

2 THE CHAIRMAN: But the Authority knows it is
3 done and it is approved of.

4 THE WITNESS: That is right.

5 Q. So under the by-laws the pilots have
6 four or five days off?

7 A. It varies according to the amount of work.
8 They may, of course, be recalled at any time we are busy,
9 they are called back off days off.

10 Q. That is the same as any professional
11 person who would be called back off holidays?

12 A. That is correct.

13 Q. Now, concerning pension deductions, is
14 this pension plan registered under The Income Tax Act?

15 A. Yes, it is.

16 THE CHAIRMAN: So I think the position won't
17 change very much. If it is in their revenue, it could
18 be calculated at the beginning, because it is approved.

19 MR. CLYNE: Yes.

20 Q. Now, the annual reports which are filed
21 as Exhibit 149, they are prepared by you?

22 A. That is correct.

23 Q. And they are filed with the Department
24 of Transport in Ottawa?

25 A. That is correct.

26 Q. By you?

27 A. Yes.

28 Q. I produce to you a letter from the Depart-
29 ment of Transport dated July 4th, 1961, from Mr. Alan
30 Cumyn, Director, Marine Regulations, together with an



1 attached schedule, Statement of Pilots' Income and
2 Workload. Now, you will see that the attached schedule
3 deals with the Statement of Pilots' Income and Workload
4 for the years 1957/58, 1958/59, 1959/60, 1960/61?

5 A. Yes.

6 Q. Would you look at those figures and
7 tell me --

8 MR. LANGLOIS: My lord, if that letter is
9 referred to, it should be filed and the witness should
10 be told to whom it is addressed.

11 THE CHAIRMAN: Yes. Would you show it to Mr.
12 Langlois?

13 MR. CLYNE: Yes, my lord, I am sorry.

14 My lord, perhaps this should be marked as
15 an exhibit for identification.

16 THE SECRETARY: 155.

17
18 ---EXHIBIT NO. 155: Letter dated July 4th,
19 1961, from Alan Cumyn,
20 Director, Marine Regu-
21 lations, to Vancouver
22 Chamber of Shipping.

23 MR. CLYNE: I don't believe there is anyone
24 here at present through which it is capable of being
25 approved. However, I understand from my friend Mr. Jacques
26 that this perhaps could be done in Ottawa.

27 THE CHAIRMAN: Well, you received it. It is
28 the original.

29 MR. LANGLOIS: I have no objection, my lord.
30 Would you mind giving me the date, Mr. Clyne?

THE CHAIRMAN: And a description of the exhibit.



1 MR. CLYNE: It is a letter from the Department
2 of Transport, Mr. Alan Cumyn, Director, Marine Regulations,
3 dated July 4th, 1961. It is addressed to the Vancouver
4 Chamber of Shipping, attention Mr. Sankey, the Secretary.

5 Perhaps I might just read the letter shortly.

6 "In reply to your letter of June 23, 1961, we
7 "enclose a statement of workload and earnings
8 "for the New Westminster pilots showing the
9 "principal figures for the past four years."

10 "You will recall that this Department took
11 "over the operation of the Fraser River pilot
12 "boat late in 1959 and shortly thereafter amended
13 "the tariff to reflect this change when, at the
14 "same time, new rates for pilotage were brought
15 "into effect. These new rates were not in force
16 "sufficiently long for their full effect to be
17 "shown in the statement for the year ending
18 "March 31, 1960, however, the figures for the
19 "year ending March 31, 1961, show the full
20 "effect of these charges."

21 "If there is any further information you
22 "require we shall be pleased to furnish it on
23 "request."

24 Q. Now, these, would you agree, would be the
25 result of figures you supplied to the Department of Trans-
26 port?

27 A. I believe they would, yes.

28 Q. Would you agree with the figures as shown
29 there?

30 A. Well, I think they are possibly correct.



1 I would have to check them over to verify them exactly,
2 but I assume they are correct.

3 THE CHAIRMAN: So would you do that and you
4 can keep the exhibit with you and check it and tomorrow
5 morning you may comment further on that.

6 MR. KLYNE: I have a copy, my lord.

7 THE CHAIRMAN: If it is too long for calculation
8 and verification, verify what you can. I see you have
9 items such as hours, and so on. So do what you can. But
10 as long as you verify it so that eventually we have the
11 whole information.

12 THE WITNESS: Thank you.

13 Q. Now, Mr. Warren, did you prepare Schedule
14 D of the pilots' brief or not?

15 A. No, I did not.

16 Q. You have no knowledge of the preparation
17 of that?

18 A. No, I didn't.

19 Q. Have you any knowledge of the preparation
20 or the comparison taken in Section 43 of the pilots'
21 brief? Have you got the brief?

22 A. I have a copy here.

23 Q. Or did someone else prepare that?

24 A. No, I have no knowledge of those
25 comparisons.

26 Q. Now, as far as Section 42 is concerned,
27 "Pilots' earnings in 1962 were approximately
28 "\$1,000.00 per month with no 'days off' ".
29 When that statement is made, "no 'days off' ", that is
30 subject to the three or four or five days that the pilots



1 receive every month?

2 A. That is correct. There are no stipulated
3 days off.

4 Q. Now, in Section 47 --

5 MR. LANGELOIS: My lord, at this stage I think
6 we are going away from the examination in chief. We are
7 discussing a brief which is not even filed. My learned
8 friend would be at liberty, once our brief is filed, to
9 have rebuttal, to bring Mr. Warren or whatever witness
10 he wants.

11 THE CHAIRMAN: Well, you may be assured that
12 there will be opportunity, but first I think we would
13 like as far as possible to stay within the examination in
14 chief, and then whatever points there are raised
15 in the brief, the pilots will have the opportunity to
16 prove them, the opportunity to produce evidence in regard
17 to them, and you will have an opportunity of finding out
18 where the figures came from. For our own information also
19 we are going to have them checked. We have to have facts,
20 and we have to be sure they are facts and not wishful
21 thinking.

22 MR. HUNTER: I want to ask two or three
23 questions, my lord.

24 THE CHAIRMAN: Yes.

25
26 CROSS-EXAMINATION BY MR. HUNTER:

27
28 Q. Mr. Warren, there has been some mention
29 made of some recommendations with respect to navigation,
30 that is within the harbour. I don't think those



1 regulations were filed. Do you have a copy of them here?

2 A. I have been requested by the Commission
3 to supply a copy. I do not have a copy of them here.

4 Q. You don't have a copy here?

5 A. No.

6 THE CHAIRMAN: It is going to be filed tomorrow
7 morning. We are adjourning this until tomorrow morning.

8 Have you any other questions?

9 MR. HUNTER: No, just this.

10
11 RE-EXAMINATION BY MR. JACQUES:

12
13 Q. Mr. Warren, this morning I asked you
14 about the average number of days which a pilot worked
15 in a week?

16 A. Yes, I was just guessing. I would have
17 to talk to the pilots.

18 Q. So there are three days free in a week,
19 seven days in the week, and this afternoon you mentioned
20 that each pilot had three or four days off during the
21 month. Are these the same days that you referred to
22 this morning?

23 A. No.

24 Q. Is that over and above the free time in
25 the week?

26 A. The free time in the week he is on call.
27 He may not be actually piloting ships, but he is on call.

28 Q. So that three or four days off which you
29 mentioned would be days off call?

30 A. That is correct.



1 MR. JACQUES: Has the Commission any further
2 questions to put to the witness?

3 THE CHAIRMAN: Mr. Langlois I think is going
4 to challenge the last answer.

5
6 FURTHER CROSS-EXAMINATION BY MR. LANGLOIS:
7

8 Q. Is it not a fact, Mr. Warren, that these
9 three or four days off are taken occasionally only and
10 as the situation, the traffic warrants it?

11 A. That is definitely so, when the traffic
12 warrants it.

13 Q. When you say a pilot is on call, he is
14 on call seven days a week?

15 A. That is correct.

16 Q. Seven days a week and holidays included?

17 A. That is correct.

18 MR. LANGLOIS: Thank you, sir.

19 MR. JACQUES: Mr. Kavanagh.

20
21 JOSEPH WILLIAM KAVANAGH, Sworn
22

23 THE SECRETARY: Please state your name.

24 THE WITNESS: Joseph William Kavanagh.

25 THE SECRETARY: Your address?

26 THE WITNESS: 341 Rosamont Avenue, Richmond.

27 THE SECRETARY: And your present occupation?

28 THE WITNESS: Harbour Master for the Port of
29 New Westminster.

30 MR. JACQUES: Before I start the examination of



1 this witness, my lord, one of my learned friends has a
2 statement to make concerning this morning's hulk.

3 MR. LEGG: Your lordship asked some questions
4 about the hulk or barge at Fraser Mill. I could give
5 some dimensions. It is referred to as a hulk, being
6 an ex-sailing ship. Whether or not it is a barge seems
7 to be a matter of some doubt or discussion, at any rate.
8 Its dimensions are 330 feet by 43 feet, with a 23-foot
9 draught, with living accommodation for three persons.
10 It is not self-propelled, but it is steered by the
11 men on board. It is used for carrying chips and logs.
12 It has no deck; in other words, it is a hollow type
13 vessel.

14 MR. LANGLOIS: Is the ship registered or not?

15 MR. LEGG: I think it must be registered. It
16 is registered. It is registered at New Westminster.

17 MR. LANGLOIS: Could we be prepared with the
18 port of registry and the name and the official name of
19 the ship?

20 MR. LEGG: Yes.

21 THE CHAIRMAN: I understand we will get this
22 information later on.

23 MR. LEGG: Yes, my lord.

24 THE CHAIRMAN: If you can.

25
26 DIRECT EXAMINATION BY MR. JACQUES:

27
28 Q. What is your function, sir?

29 A. I am the Harbour Master.

30 Q. At which harbour?



1 A. For the harbour for New Westminster.

2 Q. I show you a booklet. Would you look at
3 it and tell me whether or not it contains the Harbour
4 Commissioners By-Laws in force today?

5 A. It does.

6 Q. Would you file this booklet as Exhibit
7 No. ?

8 THE SECRETARY: 156.

9
10 ---EXHIBIT NO. 156: New Westminster Harbour
11 Commissioners By-Laws,
12 1962.

13 Q. As a Harbour Master, what are your
14 duties, sir?

15 A. Do you require the answer in general
16 terms or in specifics?

17 Q. In general terms.

18 A. Well, in general terms, the Harbour Master
19 is responsible to the Port Manager and thus the Harbour
20 Commissioners for the navigational part of the operation
21 of the harbour of New Westminster insofar as our relation-
22 ship with the Department of Public Works and the Depart-
23 ment of Transport for navigational aids and dredging, etc.,
24 are concerned.

25 Q. In your functions do you have to deal with
26 pilots?

27 A. In some respects, yes, sir.

28 Q. In what respects?

29 A. My dealings with the pilots are concerning
30 mainly discussions on improvements to or additions to



1 existing navigational aids, receiving reports from them
2 via Mr. Warren concerning defective navigational aids and
3 then taking such steps as may be necessary to see that
4 they are corrected.

5 Q. Are there any navigational aids within
6 New Westminster harbour under the sole jurisdiction of
7 the Harbour Commissioners?

8 A. No, sir. The navigational aids are
9 supplied and maintained by the Department of Public Works
10 and the Department of Transport working together. They
11 actually belong to the Department of Transport but are
12 maintained by D.P.W.

13 Q. So you act as a liaison officer between
14 the pilots and the various departments concerned with the
15 installation and maintenance of aids to navigation?

16 A. This is true, and with any other party on
17 the river. This is not restricted to pilots alone.

18 Q. You are concerned with the movements of
19 vessels within the harbour?

20 A. Insofar as they are covered under our
21 by-laws, yes, sir.

22 Q. What do you mean by "insofar as they are
23 covered under our by-laws"?

24 A. Well, we have a by-law governing the speed
25 of vessels in the harbour.

26 Q. What is the speed?

27 A. It is not specifically stated in the by-law.
28 It is designed to put the onus on the ship master or
29 pilot to ensure that a vessel will travel at such a rate
30 of speed that it will not cause damage or inconvenience



1 to others.

2 Q. You are also concerned with the movement
3 of vessels from one berth to another within the harbour?

4 A. Not particularly, my lord, no.

5 Q. Do you assign berth to vessels coming in?

6 A. No, I do not, my lord.

7 MR. JACQUES: I think that is all.

8 Thank you, sir.

9
10 CROSS-EXAMINATION BY MR. LAMBLAIS:

11
12 Q. Just one question, Mr. Kavanagh.

13 Am I right in assuming that you do not assign
14 berths for the good reason that they are all private
15 berths, private wharves?

16 A. The Commissioners, my lord, do own two
17 wharves, but these wharves are leased to other parties.

18 Q. They are operated by these private parties;
19 is that so?

20 A. They are operated at the present time by
21 private parties, yes.

22 Q. How many private parties do you have in
23 the harbour? Are these the only two under the ownership
24 of the Commission?

25 A. No, all told, including the Government-
26 owned or Commission-owned docks.

27 Q. Are there any other docks privately owned?

28 A. Yes.

29 Q. How many?

30 A. There is the Pacific Coast Terminals own



1 their own dock, Gypsum Lime & Alabastine, La Forge, Dow
2 Chemicals and Canada Rice Mills.

3
4 RE-DIRECT EXAMINATION BY MR. JACQUES:

5
6 Q. Would you refer to the by-laws, Section
7 46, page 13, please, sub-paragraph (1). That Section
8 states that "The Regulations for the prevention of
9 "Collisions at Sea apply to all navigation
10 "and movement within the harbour except as
11 "expressly varied by these Regulations."

12 Is it part of your duty to ensure that these regulations
13 as to collisions are applied or adhered to?

14 A. I would say yes, sir.

15 Q. Have you any comments to make in that
16 respect where the pilots handle ships within the harbour?

17 A. Well, your honour, in answer to that I
18 must first state that I have been in the harbour only
19 since July of last year, and in that time I have, in the
20 course of familiarizing myself with the territory,
21 travelled on ships with the pilots, and I have found at
22 all times that they adhere strictly to the rules of the
23 road.

24 Q. Now, sir, I refer you to Section 49 on
25 page 14, which is to the effect that "The harbour master
26 "may direct the position a vessel or floating
27 "property shall occupy in the harbour."

28 Have you ever exercised the powers granted you in that
29 Section?

30 A. No, sir.



1 Q. You have not?

2 A. No, sir.

3 Q. Now, I refer you to Section 51, same page,
4 concerning the mooring of vessels. Have you any comment
5 to make to the Commission as to where the vessels are
6 moored or made fast within the harbour?

7 A. Well, my lord, generally speaking, from
8 my inspections, which generally are carried out daily,
9 I have had little cause to complain of the method in
10 tying ships to dock in this port.

11 Q. Now, sir, I refer you to Section 57, page
12 17, which states:

13 "Where the harbour master is of the opinion that
14 "in the interest of safety a vessel should
15 "engage tug service, the harbour master may
16 "order that vessel to engage tug service at the
17 "risk and expense of that vessel."

18 Have you ever had occasion to exercise that power?

19 A. To date, my lord, this question has never
20 arisen.

RPS 21 Q. Are there any local rules, or regulations,
22 concerning the navigation in the channel, say for instance
23 what side a vessel is to come up, or where is she to turn
24 about, or anything like that?

25 A. Yes my lord there are regulations.

26 Q. Are they contained in the by-laws?

27 A. Yes they are my lord.

28 Q. Would you be so kind as to point them
29 out for me?

30 MR. LANGLOIS: It is at the bottom of page 20



1 and on page 21, Section 66.

2 MR. JACQUES: I see. Thank you.

3 Q. Now I refer you to Part 3 of your by-laws,
4 page 24, concerning the movement control and mooring of
5 log booms and rafts. Have you ever had any complaint
6 by pilots that log booms or rafts impeded navigation with-
7 in the harbour?

8 A. Officially my lord, no, but in general
9 discussion, yes.

10 Q. Did that occur in any particular place
11 in the harbour, or was that general?

12 A. My lord, it is generally in the area of
13 the entrance to the North Arm that we have most complaints.

14 Q. Would you on the annexed chart to your
15 by-law indicate where the North Arm would be, or rather
16 on Exhibit No. 148. Would you circle the area in blue,
17 and mark it with the letter Z?

18 (The witness complies.)

19 THE CHAIRMAN: Is it what is marked here as
20 the Pitt River?

21 THE WITNESS: No sir.

22 Q. Have you investigated these complaints?

23 A. I have looked into the situation, yes sir.

24 Q. And do you think a solution might be
25 arrived at to give satisfaction to both parties involved?

26 A. I imagine something could be done, but
27 it would be somewhat difficult to correlate these two
28 different operations.

29 THE CHAIRMAN: But I gather the complaints
30 you received were not too serious?



Kavanagh, re-dir.ex.
(Jacques)

1 THE WITNESS: No sir, there is none of a serious
2 nature, no.

3 COMMISSIONER SMITH: If my lord please, I would
4 like to ask the witness a couple of questions.

5 THE CHAIRMAN: Please do.

6 COMMISSIONER SMITH: Correct me if I am making
7 a mistake. I understand that there are ten berths in the
8 harbour. Is that right? Including the two with the grain
9 elevator?

10 THE WITNESS: Yes sir.

11 COMMISSIONER SMITH: And I also understood from
12 answers you gave to other lawyers that you assign no
13 berths to any of those ten locations?

14 THE WITNESS: That is correct sir.

15 COMMISSIONER SMITH: The reason I raise this
16 issue is I know that each harbour is governed by its
17 by-laws and the overall Shipping Act, but as a rule the
18 harbour master assigns the berths. It seems quite
19 different in this harbour, and what is the reason for
20 it?

21 THE WITNESS: Well, this is true sir, but I
22 think that using Vancouver Harbour itself as an example,
23 I would say that the wharves there are predominately owned
24 by the National Harbours Board, or operated by them.

25 COMMISSIONER SMITH: Well, I don't think
26 predominately really. There are an awful lot of them
27 operated by the Harbour Board, but I used to know because
28 I was associated with that organization, but I don't
29 think that they were predominately operated by the Board.
30 However, that is a matter of record.



1 MR. JACQUES: I might refer you to Section 48
2 of the By-Law sir, and I believe Capt. Kavanagh that in
3 your testimony you have stated that the majority of
4 the wharves or piers were privately owned?

5 THE WITNESS: Yes sir.

6 COMMISSIONER SMITH: And no wharves owned by
7 the Commission?

8 THE WITNESS: We own them, but they are all
9 leased sir.

10 COMMISSIONER SMITH: That is not the way to put
11 it. No wharves under the control of the Commission inso-
12 far as your duties are concerned?

13 THE WITNESS: That is correct sir.

14
15 CROSS-EXAMINATION BY MR. HUNTER:

16
17 Q. The Pacific Coast Terminals have four
18 of their own, have they not?

19 A. They have five here.

20 Q. They have four I think?

21 A. No, they have five.

22 Q. And then Overseas have four?

23 A. Well, they have three at the present time,
24 but they are building another dock, which will be number
25 four.

26 Q. So they will have four?

27 A. Yes.

28 Q. The elevator has two?

29 A. Two.

30 Q. Gypsum Lime has one?



1 A. That is correct.

2 Q. Fraser Mills have two?

3 A. That is true, but I believe I classified
4 it as one.

5 Q. There are two or three outside of the
6 local area? There is Fraser Mills. There is Dow
7 Chemical with one?

8 A. Yes.

9 Q. And the Rice Mills have one?

10 A. Yes.

11 Q. So there is actually a total of sixteen,
12 not ten?

13 A. Throughout the entire administrative
14 area, yes.

15 Q. Locally there are ten, but throughout the
16 entire area there are sixteen?

17 THE CHAIRMAN: Mr. Jacques, you requested Mr.
18 Warren this morning to produce some by-laws, or standing
19 orders with relation to traffic control, or traffic with-
20 in the harbour. Wouldn't that be what you wanted?

21 MR. JACQUES: No my lord. I had asked for
22 recommendations made by the pilots concerning traffic
23 through the Railway Bridge.

24 THE CHAIRMAN: Besides that I thought you refer-
25 red also to some kind of regulation within the harbour?

26 MR. JACQUES: No my lord.

27 MR. LANGLOIS: Is it not a fact that these
28 matters of berthing ships, movement control within the
29 harbour anchorages are all dealt with you through the
30 pilots, and that you are acting as liaison officer between



1 the ship owners and the pilots. Is that not a fact?

2 A. This is correct, yes.

3
4 CROSS-EXAMINATION BY MR. LE34:

5
6 Q. Mr. Kavanagh, you have a copy of Exhibit
7 156 in front of you?

8 A. Yes sir.

9 Q. If you turn to page 20 you will see by-law
10 66?

11 A. Yes sir.

12 Q. And this by-law deals with the navigation
13 of vessels through the Fraser River Bridge, does it not?

14 A. Yes.

15 Q. And the rule of the road there is a
16 departure from the normal rule of the road?

17 A. It is actually a complete reversal my lord.

18 Q. Now, the by-law of course speaks for itself
19 and indicates that a vessel shall use the porthand entrance
20 to the Railway Bridge in order to take it into the
21 Sapperton Channel. Is that not correct?

22 A. Yes.

23 Q. Can you from your experience explain why
24 the rule of the road is laid down in that way there?

25 A. It is my understanding, my lord, that it
26 is more convenient for the pilots, and indeed any other
27 party transitting the Bridge to use the port draw to get
28 into the Sapperton Channel. If you were to use the
29 normal rule of the road in this area this would mean
30 passing through the starboard draw, and then crossing



1 across the face of the Bridge to make entry to the Channel.

2 Q. In order for the Commission to follow what
3 you have just told them Mr. Kavanagh, I have produced to
4 you a copy of a map, which will be filed later my lord.
5 It is part of Crown Zellerbach's brief, and it illustrates
6 does it not, the rule of the road which is followed by
7 a vessel passing through this Bridge to Fraser Mills?
8 I indicate here the Bridge and the outline of a vessel
9 proceeding up to Fraser Mills?

10 A. Yes, but there is actually a little more
11 to it than this sir, because you would have to refer to
12 a somewhat larger area, because this by-law comes into
13 effect here.

14 MR. JACQUES: When you say here, would you mark
15 that place with the letter Y on Exhibit 148, where Article
16 66 of the by-law comes into force?

17 (The witness complies.)

18 MR. LEGG: May I file as an exhibit for identif-
19 ication, Exhibit 157 I think it is, it is Exhibit 14 in
20 our brief.

21
22 ---EXHIBIT NO. 157: Chart of the Sapperton Channel.

23
24 Q. Capt. Kavanagh, I was interested in know-
25 ing your view, and can you express a view, on whether the
26 reverse rule of the road which is indicated on Exhibit
27 157, the chart you have in front of you, is brought about
28 by the construction of the Railway Bridge? In other words,
29 is it a result of the difficulties that face a vessel,
30 both approaching and transitting, and then navigating the



1 upper reaches of the Fraser River through this Bridge?

2 A. Well sir, this by-law has been in effect
3 for some considerable time. I don't have any information
4 as to when this was brought in, but I can only give an
5 opinion, and it would seem to me that this would be so.

6 THE CHAIRMAN: I think on this subject the
7 Commission Counsel will have a witness to establish why
8 this rule of navigation applies, or was made.

9 MR. JACQUES: I had not intended, my lord, to
10 bring a witness in regard to that particular point, but
11 if the Commission so wishes I shall endeavour to find one.

12 MR. LANGLOIS: The pilots can provide a very
13 good witness on this score.

14 THE CHAIRMAN: It is part of their business to
15 know the local knowledge.

16 Q. Can you guide the Commission further,
17 Capt. Kavanagh, by expressing any opinion of what effect,
18 or what result would flow from removing the centre
19 pier, marked on the chart Exhibit 157, and widening the
20 entrance to the Bridge? What general effect would that
21 have on the navigational problems that face a deep sea
22 vessel transiting that Bridge?

23 A. Well sir, it would certainly give them a
24 greater width between piers for navigation. I don't
25 think it would have any material difference on the
26 method of operating that we have at the present time. I
27 think that we would still retain the porthand by-law.
28 We would still navigate up the port side of the river
29 in the manner which is described here.

30 Q. Well, in your opinion would it enable



1 vessels of longer dimensions to proceed through the
2 Bridge than is presently the case?

3 A. The removal of the centre span?

4 Q. The removal of the centre span, and the
5 widening. At the moment my instructions are that the
6 width of the entrance on either side of the centre pier
7 is approximately 170 feet?

8 A. 171, yes.

9 Q. Well, if the centre span were removed
10 and the whole of that width was available to deep sea
11 vessels, would it not follow that vessels of greater
12 dimensions could navigate through the Bridge?

13 A. Yes.

14 Q. In safety?

15 A. Oh, yes.

16 Q. There would be a greater margin of safety
17 anyway?

18 A. Yes.

19 Q. Are you familiar with the trend of shipping
20 to New Westminster at points beyond New Westminster, having
21 regard to the type of vessel that is now used for cargo,
22 and I have in mind the bridge-aft vessel, or the engine-
23 aft vessel?

24 A. Yes sir.

25 Q. What have you to say as to the trend
26 experienced in this area, say in the last three years?

27 A. Well, the only information that I have --

28 THE CHAIRMAN: Only your personal knowledge.

29 The other information will come from other witnesses.

30 THE WITNESS: Well, the only knowledge I have



1 of this matter at the present time my lord is all what I have
2 gained from others since I came here.

3 MR. LEGG: Since you came to this hearing?

4 THE WITNESS: No, to New Westminster, in last
5 July.

6 THE CHAIRMAN: In the last six months.

7 Q. Prior to that time were you not acquainted
8 with the type of vessel used for deep sea work?

9 A. Yes.

10 Q. Well, prior to that time I suggest to you
11 that there had been a trend to the engine and bridge aft
12 vessel?

13 A. Oh, yes.

14 Q. And this trend became marked three years
15 ago?

16 A. I would say about 1955.

17 Q. And this trend has increased, has it not,
18 over the last year and a half to the extent that recently
19 I believe that a very large vessel arrived in the port
20 of Vancouver, a deep sea, bridge-aft vessel, and took out
21 I think it was a record cargo of lumber, and it was a
22 bridge-aft vessel?

23 A. Yes, that is right, yes.

24 Q. And this is the sort of trend that has
25 developed over the last few years?

26 A. That is correct.

27 Q. And is it not also so that these deep sea,
28 bridge-aft vessels are increasing in length?

29 There is a tendency to use them more frequently and to in-
30 crease their size. Do you agree with that?



1 A. It would seem to be that way my lord,
2 yes.

3 Q. Would the removal of the centre pier from
4 this Railway Bridge, called the Fraser Bridge, would that
5 in your opinion assist in the navigation of bridge-aft
6 vessels through the Bridge?

7 A. I believe so, yes sir.

8 MR. LEGG: I believe the Commission has its
9 own copy of Exhibit 157.

10 Q. Capt. Kavanagh, there may have been an
11 element of confusion in my questioning, because I emphasized
12 the Sapperton Channel. Now, when a deep sea vessel wishes
13 to proceed to the south bank of the Fraser, and I believe
14 the Gypsum plant is on the south bank?

15 A. Yes.

16 Q. Which rule of the road does it follow under
17 those circumstances?

18 A. He is to follow the port-hand by-law sir.
19 In other words, he should use the port draw.

20 Q. And then proceeding through the port entrance
21 to the Bridge he uses which side of the port-hand channel?

22 A. He would pass through here and turn to
23 starboard.

24 Q. And turn to starboard and use the starboard
25 side of the port-hand channel?

26 A. Yes.

27 Q. Following the normal rule of the road?

28 By normal rule of the road I mean that the vessel proceeds
29 on the starboard hand of the channel under normal circum-
30 stances?



1 A. Well, he would use the channel as such
2 just to make the approach to the dock here sir.

3 Q. Well, in any event that is the practice
4 that is followed for berthing on the south bank at the
5 Gypsum plant?

6 A. Yes.

7 Q. And the Gypsum plant is referred to here
8 as --

9 A. It is just referred to as Dominion Tar and
10 Chemical.

11 Q. Referred to as Dominion Tar and Chemical
12 on Exhibit 157.

13 MR. LANGLOIS: Going to the Gypsum plant does
14 he still use the Sapperton Channel and turn around?

15 THE WITNESS: No sir.

16 MR. LANGLOIS: He does not go up and circle?

17 THE WITNESS: No.

18 MR. LEGG: Your question, Mr. Langlois, leads
19 to another question.

20 When a vessel proceeds up the Sapperton Channel,
21 and berths at Fraser Mills, and then proceeds onward,
22 what is its course? Does it proceed up river and then
23 turn around?

24 THE WITNESS: It proceeds up river to the
25 head of the Wing Dam and then comes down the portland channel.

26 MR. LEGG: And that too is shown on Exhibit 157,
27 diagrammatically?

28 THE WITNESS: Yes sir.

29 THE CHAIRMAN: With regard to dredging, do you
30 intend to put any questions?



1 MR. JACQUES: Not to this witness my lord.

2 COMMISSIONER SMITH: If your lordship pleases,

3 I would like to get a little education on a matter here
4 that is somewhat baffling to me. I understood the wit-
5 ness to say in answer to counsel's question that removal
6 of the centre span would greatly increase the safety
7 of navigation through the Railway Bridge, and I am wonder-
8 ing what will take its place? I mean, the swing span would
9 be removed and a lift span put up in its place?

10 THE WITNESS: This my lord is what was advoc-
11 ated by the federal government engineers when the bridge
12 was being constructed.

13 COMMISSIONER SMITH: Well, I certainly wouldn't
14 want to get into an argument with them, but it seems like
15 an awful big span to put a lift in, and they must be
16 right.

17 THE WITNESS: I imagine my lord that when and
18 if they put a lift span in the width would be something
19 of the order of say 300 to 350 feet.

20 COMMISSIONER SMITH: What is the distance now?

21 THE WITNESS: You have two channels of 171 feet,
22 plus 35 feet say for the width of the centre span.

23 COMMISSIONER SMITH: Well, I guess I had better
24 leave that to the government engineers.

25 THE CHAIRMAN: So we have been at it for an
26 hour and a half. So we will have a few minutes recess.

27
28 ---A SHORT RECESS.
29
30



1 MR. JACQUES: Capt. Spier.

2
3 OSWALD BRYON SPIER, Sworn

4
5 THE SECRETARY: What is your address?

6 THE WITNESS: 7524 12th Avenue, New Westminster.

7 THE SECRETARY: And your present occupation?

8 THE WITNESS: Fraser River pilot.

9
10 DIRECT EXAMINATION BY MR. JACQUES:

11
12 Q. Captain, I understand that you are the
13 Chairman of the Pilots' Committee?

14 A. That is right.

15 Q. How long have you been Chairman?

16 A. I was Chairman last year, and I am Chairman
17 at the present time, for the duration of this year.

18 Q. What do you mean by this year? 1963?

19 A. 1963.

20 Q. And you were Chairman in 1962?

21 A. In 1962.

22 Q. And prior to 1962 were you a member of the
23 Pilots' Committee?

24 A. I was a member of the Pilots' Committee in
25 1961 and also 1960.

26 Q. And prior to 1959 you did not --

27 A. I was not a member of the Pilots' Committee.

28 Q. How long have you been a pilot, sir?

29 A. I am in my sixth year now.

30 Q. So you started your job in 1957?



1 A. That is correct.

2 Q. Would you tell the Commission when election
3 of your members is held?

4 A. In the first month of the year, January of
5 any given year.

6 Q. So this year it took place in January?

7 A. That is correct.

8 Q. Do you recall the date?

9 A. I have the date here in the minute book.

10 Q. You can refer to your minute book if you
11 wish.

12 A. January the 7th, 1963.

13 Q. Would you outline the procedure which is
14 followed by the Committee for election?

15 A. Yes. I could read an ~~ex~~cerpt from the
16 minutes covering the period during the minutes at which
17 the election took place, if you wish.

18 MR. JACQUES: I don't know if there would be
19 any objection to having the minutes filed.

20 MR. LANGLOIS: With the reservation, my lord,
21 that they be treated as confidential, and under the
22 further reservation also that the Commission will have a
23 copy of the minutes made for its own purposes and hand
24 back the originals to us.

25 THE CHAIRMAN: All right, granted, yes.

26 Q. The present minute book you have before
27 you covers what period of the Pilots' Committee's activities?

28 A. It covers from November 5th, 1962, to March
29 the 4th, 1963, inclusive.

30 Q. And prior to November 5th, 1962, do you have



1 a minute book?

2 A. Yes, I do. I don't know just what period
3 it covers. I was just about to look for it when you
4 called me here. This book I have here is April, 1960.
5 The other one is over in my briefcase.

6 Q. Perhaps you would get it, please?

7 A. Yes, sir. This minute book covers the
8 period from February 9th, 1961, to November 5th, 1962.

9 Q. And the other one?

10 A. The other one covers the period from April
11 25th, 1960, to February 9th, 1961. Those dates are the
12 dates of the last meeting that was entered in the book.
13 There could be a span of two or three weeks between one
14 book and the next book where there was no meeting called.

15 Q. Would you make these books available to
16 the Commission? I would hesitate to have them copied.
17 They could be inspected and returned to the Pilots'
18 Committee.

19 A. Yes, we could do that. I would point out
20 that there is a lot of confidential information in there
21 strictly dealing with pilots.

22 Q. Well, we want to find out all about pilots.

23 A. Yes, I understand that. This is confident-
24 ial.

25 THE CHAIRMAN: Yes, it is going to be treated
26 as confidential.

27

28 ---EXHIBIT NO. 158: Minutes of Pilots' Committee
29 from 25th April, 1960, to
30 date (CONFIDENTIAL.).

Q. Now, would you outline the procedure which



1 is followed for the election of members?

2 A. Yes, sir. During what we call our annual
3 general meeting attended by all the pilots of the New
4 Westminster District it is customary that the Chairman
5 at the present time will conduct the normal business of
6 the meeting. When that business has been attended to
7 one of the pilots will be asked to take the chair during
8 nominations, and the nominations take place at that
9 time. Nominations are made by motion, regularly seconded
10 and voted on by a show of hands. Generally, being a
11 small group of seven that work well together, after three
12 members have been nominated, seconded and voted upon,
13 someone will move that nominations be closed. This is,
14 as a rule, accepted, and the three members nominated are
15 elected.

16 Q. How is this meeting convened?

17 A. It is convened -- the Chairman at the
18 present time will notify all the pilots by telephone of
19 the meeting in the office of the Pilots' Station at a
20 certain time on a certain day.

21 Q. So there is no written notice sent to the
22 pilots?

23 A. There is no written notice sent, no.

24 THE CHAIRMAN: But I understand they all attend
25 the meeting.

26 THE WITNESS: Yes, they do, your honour.

27 Q. Are there any regular meetings held after
28 that meeting for the election?

29 A. No, sir, there are no regularly scheduled
30 meetings, but there are many meetings during the year.



1 The reason there are no regular meetings is that the
2 pilots never know up to the last minute if they will be
3 available to attend a regularly scheduled meeting.

4 Q. So would it be fair to say that meetings
5 are held when business requires it?

6 A. There is an unwritten rule, an agreement,
7 that we try to meet at least once a month if at all
8 possible. During the four years I have been on the
9 Committee we have in most cases met at least once a month.

10 Q. And these meetings are also convened by
11 telephone?

12 A. That is correct, either by telephone or
13 verbally, coming in contact with one or two of the pilots.

14 Q. Where are they held?

15 A. They are held in the office of the New
16 Westminster Pilotage Authority.

17 Q. Without revealing any confidential infor-
18 mation which is contained in your minute book, would you
19 state to the Commission the subject matters which are
20 dealt with at these meetings?

21 A. Yes, sir. It could be scheduling annual
22 holidays to our benefit in order to make a recommendation
23 to our local Commissioners. We could also, if one pilot
24 finds some silting in the channel, make some recommend-
25 ation to the harbour authorities to reduce the draught
26 to a safe margin. In the case of a probationary pilot
27 we could make a recommendation as to the ships he should
28 take on and what jobs he should do. It is generally
29 pilotage business we meet on.

30 Q. Do you at any of these meetings discuss the



1 examinations of probationary pilots?

2 A. Yes, we discuss them at times. Since I
3 have been here, of course, we have only had two new
4 pilots taken on, and we can only discuss them in a general
5 way because the pilots have no say whatever in the appoint-
6 ing or selecting of pilots. So we can only discuss them
7 as we might discuss them at a meeting between two pilots
8 on the street.

9 Q. But would your Committee make any suggestion
10 to the member of the Pilots' Committee appointed on the
11 Board of Examiners?

12 A. No, I do not believe -- well, I know
13 definitely that that has never taken place, since I have
14 been on the Committee.

15 Q. Now, among these three men elected on the
16 Pilots' Committee, do you choose the Chairman and Secret-
17 ary or Treasurer?

18 A. We choose a Chairman only.

19 Q. And what are his functions?

20 A. His functions are to chair the meetings and
21 act as a convener of meetings, to pass the recommendations
22 made by the Committee or made by a motion of the general
23 meeting, pass on recommendations to the Secretary to
24 pass on to their ultimate destination, to possibly pass on
25 any information that the pilots wish to be passed on to the
26 Secretary. In other words, act as an impartial spokesman
27 for the pilots in dealing with the Secretary.

28 THE CHAIRMAN: When you speak of the Secretary,
29 that is the Secretary of the Pilotage Commission?

30 THE WITNESS: Yes, that is correct, my lord.



1 Q. Would it be safe to say that the Secretary
2 acts as the Chairman of the Pilots' Committee also?

3 A. It would be fair to say that up to a point.
4 When I am Chairman, I have a very able secretary in one
5 of the other pilots who takes letters and does a lot of
6 other writing. But it could be that the Chairman does
7 all that himself.

8 Q. Does this Committee have any funds?

9 A. No, the Committee has no funds as such at
10 all.

11 Q. Does the Committee make a written report
12 of its activities after each year?

13 A. Yes, the Committee makes a written report
14 which is read at the annual general meeting following the
15 term of office. That report is also forwarded to the
16 Canadian Merchant Service Guild, the Pilots' Committee of
17 the Canadian Merchant Service Guild.

18 Q. Is that inserted in the minutes?

19 A. It is inserted in the minutes of our
20 own local Committee minutes. It might not be inserted in
21 our minutes word for word with the report that goes back
22 to the National Pilots' Committee. We usually butter it
23 up a little bit just to expand it, I should say.

24 Q. In that case I feel compelled to ask you
25 that you produce, also confidentially, if you wish, the
26 report that you sent to the Canadian Merchant Service
27 Guild.

28 A. I have that over there also.

29 Q. Do you have it for the past five years,
30 say, since 1958, inclusive?



1 A. Very likely; although I wouldn't be
2 positively sure.

3 Q. Would you check on that, please, and let
4 us know what you have?

5 MR. LANGLAIS: Under the same reservation, my
6 lord.

7 THE CHAIRMAN: Yes, the same reservation.

8 Q. Now, you mentioned that this report of
9 activities you send to the Canadian Merchant Service
10 Guild?

11 A. That is correct.

12 Q. Am I correct in saying that all the pilots
13 of your District are members of the Canadian Merchant
14 Service Guild?

15 A. That is correct.

16 Q. Does the Pilots' Committee appointed under
17 your by-laws play any particular role with the Canadian
18 Merchant Service Guild?

19 A. No, sir, they do not.

20 Q. They do not?

21 A. No.

22 Q. They haven't got the privilege of address-
23 ing the Guild on behalf of all pilots?

24 A. Yes, they have that privilege, if it ever
25 became necessary, but the Canadian Merchant Service Guild
26 doesn't necessarily act on behalf of the pilots in Canada.

27 Q. Do I take it that the pilots are members
28 of that guild individually and not as a group under the
29 Pilots' Committee?

30 A. That is correct.



1 Q. Apart from the Pilots' Committee, are there
2 any other organizations formed by the pilots?

3 A. There are none to my knowledge.

4 Q. Now, you heard this morning, or this
5 afternoon, rather, evidence concerning the Workmen's
6 Compensation Board. We were told that this had been
7 requested by pilots. Have you personal knowledge of that
8 fact?

9 A. No, sir, I do not have personal knowledge
10 of the original request for workmen's compensation because
11 I wasn't in the pilots at that time. But since the time
12 I have been in the pilots, it was discussed whether to
13 drop workmen's compensation or to retain it, and we agreed
14 it would be best to retain it, for the simple reason that
15 compensation looks after a man if he is hurt in some form,
16 a lingering illness, such as possibly a sprained back
17 which would linger on for possibly the rest of his life
18 or for many years; whereas in most cases of these travel
19 accident policies, the people underwriting these travel
20 accident policies or any accident policies are most anxious
21 to get a release signed by the person in question, and in
22 my own case, if I want to get some money out of them I
23 am going to sign a release, I will say my back is better,
24 whereas it is different under workmen's compensation.

25 Q. Would you search through the Pilots'
26 Committee files for any correspondence exchanged between
27 the Pilots' Committee and the Workmen's Compensation
28 Board as regards pilots joining this plan?

29 A. I can search for that correspondence, but
30 I can tell you that I have searched our records very



1 thoroughly for many weeks, for many months, and I haven't
2 come across that correspondence. Perhaps that was done
3 in excess of 30 years ago, along that time, and I am almost
4 certain, my lord, that there is no correspondence to that
5 effect. But I will search again.

6 THE CHAIRMAN: We are very much interested in that
7 problem, because it is your safety that is at stake there.

8 THE WITNESS: Yes, I certainly will, my lord.

9 THE CHAIRMAN: We are going to look into the
10 problem ourselves also.

11 THE WITNESS: Yes.

12 Q. Did the Pilots' Committee play any part
13 in negotiations of the pension plan with North American
14 Life Insurance Company?

15 A. Yes, they did. They played a major part
16 in these negotiations.

17 Q. Do you have a personal knowledge of those
18 negotiations?

19 A. I have a very slight knowledge of those
20 negotiations. I was a probationary pilot at the time, and
21 it was all new to me and I didn't take a great interest
22 in it.

23 Q. Would you look through your files again
24 and find out whether any correspondence has been exchanged
25 and, if so, let me look at the correspondence before filing
26 it?

27 A. Yes, I have that correspondence.

28 THE CHAIRMAN: This Exhibit 151, which is the
29 information that you received from the North American
30 Life Insurance Company with regard to the advantages you



1 have as a pilot under that plan, I see here that the
2 title is "Pension for the employees of New Westminster
3 District Pilotage Authority.". There you have the same
4 thing, they are calling you employees there. I am just
5 saying that for the record.

6 THE WITNESS: If I may comment on that, my lord.

7 THE CHAIRMAN: Yes.

8 THE WITNESS: At the time that pamphlet was
9 being prepared, the agent for North American Life stated
10 they had never underwritten a pension scheme for a group
11 such as pilots and they were at a loss whether to call
12 us employees or employers. They said we were both. And
13 at that particular time we also had several men in our
14 direct employ. So we were employers in one sense.

15 THE CHAIRMAN: It might be advantageous, but
16 also it might be disadvantageous sometimes.

17 THE WITNESS: Yes.

18 COMMISSIONER RENWICK: I am wondering in what
19 capacity those employees of the pilots were employed.

20 THE WITNESS: They were pilot boat crews and
21 our office staff.

22 Q. And you now only have the office staff?

23 A. Yes.

24 THE CHAIRMAN: You mentioned office staff. Is
25 that of the pilots?

26 MR. JACQUES: No, of the Pilotage Authority.

27 THE CHAIRMAN: But not of the pilots?

28 MR. JACQUES: No, my lord.

29 THE WITNESS: We pay for them. We like to call
30 them our office staff. We pay for them.



1 Q. It was mentioned during the course of the
2 day that the pilots had played the role of a nautical
3 advisor to the Pilotage Authority. Is that correct?

4 A. That is correct, sir.

5 Q. Would you explain to the Commission the
6 extent of the role you have played, of that role?

7 A. Well, the Pilotage Authority, the members
8 of the Pilotage Authority are, as has already been
9 testified here, laymen insofar as nautical work goes,
10 so almost any question arising to do with the movement
11 of ships, any requests in writing to the Authority for
12 information regarding movement of vessels or safe practice
13 of vessels would be discussed with the Pilots' Committee,
14 and the Pilots' Committee would advise them of the
15 recommendations to make, and after that it is up to the
16 Commissioners to either accept or reject the pilots'
17 recommendations.

18 Q. Did the Pilots' Committee draft the
19 recommendations concerning New Westminster Railway Bridge?

20 A. That is correct.

21 Q. The Committee drafted these regulations?

22 A. Yes.

23 Q. And it also drew the Pacific Coast Terminals
24 regulations?

25 A. That is also correct, sir.

26 Q. And the main river channel regulations?

27 A. That is correct.

28 Q. I shouldn't say regulations; I should say
29 recommendations?

30 A. That is correct.



1 Q. Apart from these matters which have just
2 been mentioned, could you state to the Commission whether
3 there are any other nautical points on which you have
4 advised the Commissioners, to the best of your memory?

5 A. No, I can't recall any at the moment.

6 Q. Do you make recommendations in regard to
7 aids to navigation?

8 A. Yes, we do.

9 Q. Do you make them to the Department of
10 Transport or to the Commissioners?

11 A. We make them to our own local Commissioners,
12 with the request that they pass them on to the Authority.

13 Q. Do you make recommendations in regard to
14 dredging of the river?

15 A. No. The only recommendation we would make
16 is if a pilot notices a shoaling in part of the channel,
17 and very often we would ask for the proper authorities to
18 be informed of this situation and ask that a dredge be
19 put in there to remove that shoal spot.

20 Q. During the Vancouver hearings there were
21 several mentions concerning shipping inquiries. Has
22 the Pilots' Committee played any role in shipping inquiries
23 to the best of your knowledge?

24 A. No, sir, to the best of my knowledge they
25 have not.

26 Q. Do you feel that perhaps they should?

27 A. I very definitely do feel that they should.

28 Q. Why?

29 A. For the simple reason that in our own case
30 a pilot involved in an accident could be completely tried



1 by laymen, whereas I feel that a pilot should be tried
2 by a jury of his peers, at least nautical men.

3 Q. Do you feel that shipowners should be
4 represented during those inquiries?

5 A. I feel myself that shipowners should not
6 be represented at possibly preliminary inquiries. I have
7 an open mind on --

8 Q. Why that belief, sir?

9 A. Because very often a preliminary inquiry
10 can establish immediately that the pilot was not at
11 fault. An unscrupulous shipowner could possibly take
12 advantage of the situation to put some of the blame off
13 on the pilot or get involved in lengthy litigation in a
14 marine accident. We have some foreign nationals that
15 we often feel would like to see their ships smashed up
16 to collect the insurance, and we feel --

17 Q. Well, this is a very far-reaching state-
18 ment. Just a minute, I think this statement should be
19 struck from the record, if the Commission has no objection,
20 and the witness.

21 A. That is fine.

22 Q. Do I take it then that it is your view
23 that preliminary inquiries into pilotage involved should
24 not be public, is that right?

25 A. That is correct.

26 MR. LEGG: My lord, I have no questions of this
27 witness, providing it is clear that I will have the
28 opportunity to examine a witness from the pilots regarding
29 matters concerning the Bridge. I gather my friend has not
30 gone into matters concerning the Bridge, and therefore I



1 don't intend to go into those matters, because it would
2 only extend the area of the examination.

3 MR. JACQUES: This witness was called to deal
4 with strictly Pilots' Committee matters. I have another
5 witness I intend to put on the stand now if there is no
6 cross-examination, dealing with pilotage in general.

7 THE CHAIRMAN: For your information gentlemen,
8 we intend to go 'til five-thirty tonight, and a little
9 later if necessary.

10 MR. JACQUES: I didn't realize the witness was
11 so controversial that people would have to discuss whether
12 they are going to cross-examine or not.

13 MR. LEGG: I think the hesitation, certainly
14 on my part, my lord, arises from not knowing whether we
15 are restricted, or unrestricted, in cross-examination.
16 For instance, in my own case I would like to know the
17 origin of the particular rules or recommendations as they
18 are called by the pilots, for the navigation of the
19 Railway Bridge, but I understand that this will be dealt
20 with by another witness.

21 THE CHAIRMAN: Well, the recommendations they
22 made, they made them as a Committee. You may ask them.

23
24 CROSS-EXAMINATION BY MR. LEGG:

25
26 Q. Reference was made during your examination
27 by Mr. Jacques on recommendations for the navigation of
28 the Westminster Bridge. You know what I am talking
29 about do you not?

30 A. I do.



1 Q. Are those in any written form that you
2 can produce readily for the Commission?

3 A. They are in written form, but I can't
4 produce them readily. They are posted up in our office,
5 and they have been sent to the Chamber of Shipping,
6 and such like, the Harbour Board.

7 MR. JACQUES: They will be produced tomorrow
8 morning by Mr. Warren.

9 Q. May I just ask you very shortly then when
10 these regulations were passed, and for the record, and
11 to identify the regulations in your own mind I refer to
12 eight regulations dealing with firstly prohibition against
13 traversing the Bridge except in daylight; secondly a
14 restriction on vessels inbound proceeding at ebbside
15 or slack water. Are you familiar with them?

16 A. I am familiar with these regulations.
17 I can't recall just offhand the exact date that those
18 regulations were passed, or recommendations were passed.
19 Actually, some of those regulations have been in effect
20 through many, many years, through long experience of
21 pilots in the various conditions.

22 Q. You have been a pilot on the Fraser River
23 for six years?

24 A. That is right.

25 Q. Can you recall for the Commission what your
26 experience has been as to any change that has taken place
27 in the last two or three years in regard to navigating
28 through the old Railway Bridge, the Fraser River Bridge?

29 A. There have been no changes.

30 Q. Does that mean that throughout your tenure



1 there has always been a restriction on a vessel going
2 through at night?

3 A. That is right.

4 Q. And there has always been a restriction
5 on a vessel proceeding on ebbtide or slack water?

6 A. That is right. Ebbtide or slack water
7 as near as practicable.

8 Q. And also there is a restriction on vessels
9 with the bridge aft going through this Bridge?

10 A. That is right.

11 Q. And Knot-type size vessels are accepted?

12 A. That is correct.

13 Q. A vessel in excess of 375 feet in length
14 is restricted from going through the Bridge?

15 A. A vessel with bridge aft of more than
16 375 feet is recommended that she not proceed through the
17 Bridge.

18 Q. Do you recall when that regulation came
19 into effect? Has it been in effect since you --

20 A. I recall in the minutes there were meetings
21 where we voted on that particular item. I can't recall
22 the exact date. It will be in the minute books for the
23 information of the Commission there. It has been discussed
24 many times by the pilots. Well, as an example here, it
25 is not the one I was specifically looking for that
26 mentions Knot-type ships, but it is a minute of a meeting
27 where we discussed ships through that Bridge there.

28 Q. Was it a meeting which was called to
29 discuss the regulation in effect here too?

30 A. Yes, it was held on June the 25th 1960.



1 It was not only for that. There was other business too.

2 Q. Well now Capt. Spier, what is your view
3 on the necessity of all these regulations?

4 A. I think that they are entirely necessary,
5 completely necessary, and very well thought out.

6 Q. Can you explain what your own opinion is
7 as to their necessity?

8 A. My own opinion is that, I state again that
9 they are completely necessary for the safety of the ship,
10 and the duty of the pilot to the master is to see that his
11 ship is safely conducted from one place to another.

12 Q. Can you give me some details as to what you
13 are specifically referring to when you speak of the safety
14 of the ship, explaining it with reference to the partic-
15 ular water problems, tide and current problems, which exist
16 at this Fraser River Bridge?

17 A. Well, I can tell you this, that when you
18 get a small ship it is much easier to get her through a
19 small hole in the Bridge. You can see the Bridge, you can
20 see the sides of the opening. You can see over the bow
21 of the ship, and see what traffic there is above the
22 Bridge or below the Bridge if you are coming down river,
23 but when you get a large ship the difficulty of being able
24 to see that Bridge is increased many times. For example
25 your lordship, I had a ship anchored immediately out in
26 the river from the Courthouse building here. A conventional,
27 three masted forward ship. From the wheelhouse of that
28 ship, looking out over the bow, I could just see the top
29 of the Bridge. When we got within two thousand feet of the
30 Bridge I lost sight of that Bridge completely. So to a



1 point a pilot has to take a ship of that trim and that
2 style through the Bridge on an educated guess.

3 Q. This applies both to bridge aft and bridge
4 amidships vessels does it?

5 A. It can apply to a bridge amidship vessel
6 if she is in poor trim, down by the stern and up by the
7 head.

8 Q. And I suppose that one of the critical
9 factors as far as the lookout is concerned is the width
10 of the opening of the bridge?

11 A. The narrowness of the opening is one of a
12 combination of hazards. Others are the fact that inbound
13 you have strong currents against you, cross currents as
14 well as up and down currents. When you are through the
15 Bridge you have to make quite a marked alteration of
16 course. On the ebb current the current hits your starboard
17 bow and some ships don't want to straighten out again.
18 Very often you can't see what traffic there is on the
19 other side of the Bridge, because you are looking through
20 the works of two bridges at the same time. There may be
21 a tug with a tow of logs coming, and you may not see him
22 unless you can see through that Bridge with good visibility.

23 Q. So I take it that in your view, for a number
24 of reasons, this Railway Bridge, under present conditions
25 having regard to lack of navigation aids, current, tides,
26 and so on, that this Bridge is a navigational hazard?

27 A. I agree completely with that, certainly.

28 Q. And I take it that one obvious improvement
29 which could be made is to widen the entrance of the Bridge?

30 A. To widen the opening.



1 Q. Are we at cross purposes? When I talk
2 about widening the entrance I mean the width between the
3 piers?

4 A. When you speak of entrance to the Bridge
5 I am thinking of half a mile down river is where I am
6 starting the entrance of that Bridge.

7 Q. You are talking about the distance between
8 the two piers available for a vessel?

9 A. That is right.

10 Q. If I suggested to you that that distance
11 be increased to say 250 feet, rather than the present
12 171 feet, this would be a marked improvement, would it
13 not?

14 A. I would much rather you say 300 feet. I
15 would say that would be a marked improvement.

16 Q. If the centre pier on which the swing
17 span is mounted were removed, and that total distance
18 was then available for vessels crossing through the
19 Bridge, this would be a marked improvement, would it not?

20 A. It would indeed.

21 Q. And would it in your view enable vessels
22 with the bridge aft, say of 500 feet, to be taken through?

23 A. Having regard to possible other conditions
24 at the time I would state that that would be very possible
25 indeed.

26 Q. Yes, and accordingly would it not also
27 follow from that that if certain dredging facilities were
28 improved in the Sapperton Channel, that a bridge-aft
29 vessel of that dimension could reach Fraser Mills?

30 A. Very possibly.



1 Q. With safety?

2 A. Very possibly.

3 Q. And this would be a great improvement?

4 A. That is correct.

5 Q. Can you tell us, Capt. Spier, when vessels
6 were first taken up at night in the Fraser River to
7 New Westminster?

8 A. When vessels were first taken up at night?

9 Q. Have they always been taken up at night?

10 A. I take it you are referring to bridge-aft
11 vessels?

12 Q. Yes?

13 A. Bridge-aft vessels were first taken up
14 at night about the first month of 1962 roughly.

15 Q. About a year ago?

16 A. Well, let me revise that a minute.

17 Q. Let us have your answer as accurately as
18 you can?

19 A. Well, exactly as I can say it is either
20 one or two years ago.

21 Q. Would you like to refer to any document or
22 file to refresh your memory?

23 A. Well, I haven't got the document here, but
24 it is in the Harbour Board's brief there if you want to
25 refer to that.

26 Q. You are referring to the enemy's material
27 are you?

28 A. January the 16th 1962.

29 Q. It was on that date approximately when
30 bridge-aft vessels were taken up at night as far as the



1 harbour of New Westminster downstream of the old Fraser
2 River Bridge?

3 A. That is correct.

4 Q. Was there any limitation on dimension,
5 that is length of vessel?

6 A. We have made a recommendation to our
7 Commissioners, who in turn I believe passed it on to the
8 harbour authorities, that due to the narrowness of the
9 channels, the sharpness of some of the bends, we don't
10 recommend a ship in excess of 600 feet in length be sent
11 into the Fraser River.

12 Q. When you refer to these recommendations,
13 Captain, the text that I have seen at any rate is in rather
14 mandatory terms. For instance, vessels shall traverse
15 the Bridge in daylight only. Have you ever had occasion
16 when you have been requested to take a vessel through at
17 night?

18 A. Personally I have not.

19 Q. Have you ever known of any of your assoc-
20 iate pilots being so requested?

21 A. I don't recall any such instances.

22 Q. So you can't say what would follow if the
23 request was made, even though this is only a recommendation?

24 A. I can say what would happen in my case.
25 If the master asked me to take a ship up through the
26 Bridge at night --

27 Q. What would happen?

28 A. I would say "Captain, I strongly recommend
29 against that".

30 Q. But that wouldn't mean that you would refuse



1 to pilot?

2 A. Very likely it would.

3 Q. And does that refer to the rest of these
4 restrictions on the use of the Bridge? For instance the
5 taking through of a Knot-type vessel in excess of 375
6 feet?

7 A. You mean a bridge-aft vessel in excess of
8 375?

9 Q. All right?

10 A. Yes, that would follow. If I were asked
11 by the master of a bridge-aft vessel to take him up I
12 would give him the benefit of my local knowledge.

13 Q. And then you would decline to pilot the
14 ship?

15 A. I would, yes.

16 MR. JACQUES: What do you mean by piloting
17 a ship?

18 THE WITNESS: Guiding that vessel into the river
19 there by telling the master where to steer and what
20 speeds to proceed at, what manoeuvres to perform.

21 Q. When you say you would refuse to pilot the
22 ship, does that mean that you would refuse to give the
23 master the benefit of your local knowledge?

24 A. No sir, it does not.

25 Q. Does that mean that you would leave the
26 bridge?

27 A. No sir, it does not.

28 MR. LEGG: I am just a little puzzled to know
29 what in effect you would do? Do you mean that you would
30 not leave the bridge?



1 A. I would recommend strongly against the
2 ship proceeding through the Bridge. If the master still
3 insisted on proceeding through that Bridge, I would ask
4 him to sign on the back of my pilot card that he is
5 releasing the pilot from all responsibility, and possibly
6 words to the effect that I have recommended against this
7 practice, but if he still insisted on it I would give him
8 the benefit of what advice I could.

9 MR. LEGG: And you would remain on the vessel?

10 THE WITNESS: Well, I have to remain on the
11 vessel anyway if she is underway.

12 THE CHAIRMAN: You would request to be released
13 of the responsibility of the conduct of the ship?

14 THE WITNESS: Yes my lord.

15
16 CROSS-EXAMINATION BY MR. CLYNE:
17

18 Q. That responsibility you were just talking
19 about a minute ago does not include financial responsibility
20 does it?

21 A. I am not too clear of what the financial
22 responsibility of a pilot under a local Commission and
23 by-laws written by Order in Council and Governor in Council
24 is. Up to a few months ago I was under the impression that
25 a pilot was scot-free, with the exception of a \$300.00
26 fine under the Canada Shipping Act, but since that time
27 I am just a little leary. In any case, we don't want to
28 ever have to test the theory of it.

29 Q. I suggest the law has not changed since
30 that time?



1 A. That is right.

2 Q. Commission Counsel said you have a theory
3 on that. Could you tell the Commission what is that
4 theory?

5 A. No, I can't tell you too clearly. I might
6 suggest that you speak to Mr. Langlois. He can explain
7 it much better than I can.

8 Q. This is one of Mr. Langlois' theories is it?

9 MR. LANGLOIS: I beg your pardon. My learned
10 friend is arguing with the witness on a question of law.
11 I don't think it is a fair question.

12 THE CHAIRMAN: No.

13 Q. With regard to the preliminary inquiries
14 we were talking about after an accident. Were you refer-
15 ring to those carried on under the Department of Transport
16 regulations?

17 A. No, I am referring to the inquiry carried
18 on according to our own by-laws.

19 Q. Which is in addition to the Department of
20 Transport?

21 A. It could be in addition to our own
22 inquiry, or it could be, I should put it this way. The
23 Department of Transport inquiry could be in addition to
24 our own Commissioners', who represent the Department of
25 Transport.

26 Q. Well, are they ever the same inquiry in
27 your experience?

28 A. Well, we have so few accidents. You are
29 talking about inquiries. That is something that we have
30 very little to do with here. I don't know too much about



1 inquiries, to tell the truth. I don't think any of our
2 pilots do.

3 Q. Well, you had suggested in your evidence
4 that you thought that only pilots should be present at
5 the preliminary inquiry, and not so-called unscrupulous
6 shipowners?

7 A. I believe the question put to me at that
8 time was for lesser accidents should the Pilots' Committee
9 have any say in these things. My answer to that was
10 yes, that they should have control of it, because very
11 often the Pilots' Committee can settle the hash of a
12 small dock bumping, or anything. If we were directly
13 under the direction of the Department of Transport, of the
14 Superintendent of Pilots in Vancouver, then I would say
15 definitely have the Superintendent of Pilots there also,
16 being a marine man, but it is of little use to seafaring
17 men to have a real estate salesman or someone else
18 judging them on matters affecting a sailor's problem.

19 Q. And what about making such proceedings
20 available to the skipper of the ship?

21 A. The last accident that I can recall, and
22 any previous ones that I have read of in our old minutes
23 and such like, all proceedings were made available to the
24 master of the ship. The pilots in this particular
25 District are in most cases on very friendly terms with the
26 masters, and we feel we have a moral obligation to provide
27 the master with certain information, but we don't want
28 that information made public to newspapers, and various
29 other organizations, that can twist the facts around and
30 have the pilot taking the ship down Granville Street.



1 Q. Well, so far as publicity is concerned
2 then, that would be your only objection. Otherwise you
3 would be happy to see a shipowner, or the master of the
4 ship attend such proceedings?

5 A. No, I won't say that at all. You speak
6 of shipowners, but I think you are referring in most
7 cases to ship agents around here.

8 Q. Yes, fine?

9 A. In my experience ship agents around this
10 part of the country are not shipowners, seamen, or any-
11 thing to do with the ships. They are in there for a
12 couple of dollars out of it. They have nothing whatsoever
13 to offer an inquiry of that sort.

14 THE CHAIRMAN: When you referred a few minutes
15 ago to inquiries under your by-laws, I suppose you were
16 referring to Section 25. Is that right?

17 THE WITNESS: Yes sir, that is right my lord.

18 THE CHAIRMAN: So that means by inference there
19 that the Authority may make such investigation as it
20 deems necessary to arrive at a decision?

21 THE WITNESS: That is correct sir.

22
23 CROSS-EXAMINATION BY MR. HUNTER:

24
25 Q. Capt. Spier, these recommendations that
26 we have been referring to, as my learned friends have
27 said they are mandatory in that all of them say "shall".
28 You are aware of that aren't you?

29 A. Yes, I am aware of the fact that they
30 state shall.



1 Q. And you have said with respect to bridge-
2 aft ships that if you were asked to take one through the
3 Railway Bridge you would refuse, but you would give the
4 captain whatever aid he needed if he released you?

5 A. That is correct.

6 Q. Would the same thing apply to these other
7 things, that you wouldn't proceed on ebb or slack tide,
8 or that you would only traverse the Bridge in daylight,
9 and things like that?

10 A. That is correct. We have no way at all
11 of stopping a shipmaster of doing whatever he wants to.

12 Q. But would this be a fair question, that
13 practically all of these recommendations, you would
14 not be prepared to move a ship if you were requested to
15 do so if it was in violation of these recommendations?

16 A. That is correct. I wouldn't be prepared
17 to move a ship if it was in violation of those regulations,
18 particularly if I knew from my own experience, possibly
19 of having brought a ship in, knowing the particular ship
20 or the particular circumstances of that ship, or the
21 problem that was presented there, I would fall back on
22 my by-laws, where I can refuse because of danger to that
23 ship, if I honestly thought that there was a danger to
24 that ship.

25 Q. So really these are not recommendations,
26 they are regulations as far as you are concerned?

27 A. No, I will not agree with that at all.
28 They are recommendations.

29 Q. But you go along and treat them as
30 regulations?



1 A. No, that is not true at all. They are
2 stridly recommendations, and they are treated as recommend-
3 ations, but we have such a good record in the Fraser
4 River here that when a pilot of the Fraser River recommends
5 to the master of a ship that it is not safe to whistle
6 up through the Bridge on a flood tide in the middle of
7 the night, he takes heed of our advice, but if he wanted
8 to, he can go and do whatever he wants to. You see, any
9 fool can smash a ship up, but a master hires a pilot to
10 prevent a ship being smashed up, or being put ashore.

11 Q. Now, you say that these recommendations
12 that the pilots or the Pilots' Committee -- I am not sure
13 which. Which one was it that recommended these?

14 A. It was the pilots.

15 Q. That you voted on them, and you gave as
16 the reasons for them, you gave some reasons such as being
17 necessary for the safety of the ship and due to crosscurrents
18 around the Bridge.

19 Now, are there any other reasons? I am dealing
20 specifically with bridge-aft ships going through the
21 Bridge. Is there any other reason for these recommendations
22 as to bridge-aft ships going through the Bridge?

23 A. Well, the main reason recommending against
24 taking bridge-aft ships through this Bridge is because
25 you cannot see the Bridge in sufficient time to be able
26 to get that ship through that hole there. In many cases
27 you lose sight of that Bridge a long way back, regardless
28 of any diagrams which say you can see the water 150 feet
29 ahead.

30 Q. Was that vote unanimous that you would not



1 take ships through?

2 A. It was.

3 Q. You have made a general recommendation
4 that you would not take bridge-aft ships through due to
5 bad visibility. If you had a bridge-aft ship where there
6 was good visibility, would you still refuse to take it
7 through?

8 A. Very likely. I have been on good and
9 bad bridge-aft ships; that is to say, they are good as
10 far as bridge-aft ships go in navigating the channel,
11 but for taking them through the Bridge they are bad.
12 There is no good bridge-aft ship as far as that Bridge
13 is concerned, and I am sure I will be backed up by all
14 the other pilots.

15 Q. This ship you mentioned you had difficulty
16 with the other day, you said it was a large ship, that
17 you lost sight of the Bridge?

18 A. That is correct.

19 Q. I presume when you lost sight you would
20 likely move to the side of the bridge?

21 A. No, I don't necessarily move to the side
22 of the bridge. I have a set procedure for going through
23 that Bridge, and I carried it out in the usual way I
24 usually do.

25 Q. On a bridge-aft ship could you see if you
26 moved to the side of the bridge?

27 A. I would say definitely not. You could
28 possibly see something, but you must remember you are
29 400 or 500 feet back from the bow of that ship, and if
30 you try to line her up the side, what is going to happen



1 to the other side? If you are looking from one side
2 of the ship, what is going to happen to the other side?

3 Q. I think you are aware that this extremely
4 large cargo ship which was bridge aft, the Argyll, was
5 taken through the Second Narrows Bridge. You are familiar
6 with that?

7 A. That is correct.

8 Q. Am I right that they used walkie-talkie
9 and with two pilots on it?

10 A. Yes, to the best of my knowledge.

11 Q. Would it be possible to take bridge-aft
12 ships through this way?

13 A. No, I would definitely say not.

14 Q. Do you know what the clearance is, the
15 horizontal clearance is on the Second Narrows?

16 A. I think it is around 300 feet. I wouldn't
17 say for sure. 280 feet maybe.

18 THE CHAIRMAN: You said no to the previous
19 question, that it wouldn't be possible here. Why?

20 THE WITNESS: Because we have a much narrower
21 opening here, your lordship; and even with the split
22 second it would take for one pilot to tell another pilot
23 what one end of the ship is doing -- in our experience,
24 my lord, it is just like two people trying to drive the
25 same car, which is an impossible situation. I think with
26 that Argyll there it is more a case of docking the ship
27 where they use two pilots to any advantage. I think it
28 is one pilot taking that ship through the Bridge, and the
29 other pilot is used for docking.

30 THE CHAIRMAN: Was that the one piloting the



1 ship up the Narrows?

2 THE WITNESS: Yes, that is right, sir.

3 She has her bridge well forward and her machinery aft,
4 but she has large derrick works amidships on her which
5 block the view from the bow to the stern. I haven't
6 seen her; I am just going by pictures.

7 Q. What is your set procedure for taking the
8 ships through the Bridge?

9 A. My own procedure?

10 Q. Yes.

11 A. I stay smack, dang dab right in the
12 wheelhouse until the ship enters the hole. I wait until
13 the Bridge is barely open and I put her in the hole, and
14 as soon as she is in the hole I go out to the starboard
15 wing of the bridge so as to start my swing to port. You
16 have to wait until the stern of the ship is clear before
17 you swing to port, and I wheel her around to port and
18 on up the inside channel.

19 Q. You are doing some navigating. You have
20 lost sight of it, but you are doing some navigating.

21 A. I lose sight of the Bridge from a normal
22 point of view, but how are you aware when you look further
23 on up there? It is a situation; it is not a happy sit-
24 uation.

25 Q. I realize that. Why shouldn't a bridge-
26 aft ship go up there?

27 A. Because you don't have the visibility as
28 out of a conventional ship, even out of a good bridge-aft
29 ship.

30 Q. Are there any aids that you could suggest



1 which would help bridge-aft ships at the moment?

2 I know it is going to take some time before they remove
3 the centre span. Have you any suggestions to aid this
4 in the meantime?

5 A. No, I have no suggestions.

6 Q. What about a tug forward, guiding it?
7 Would that help there?

8 A. No, I don't think a tug could help. In
9 most cases the tug might hardly stay ahead of the ship.
10 I don't think we have a tug that has sufficient speed
11 to go through ahead of the ship. In other words, you
12 would be in danger of overhauling the tug with his
13 line, and if the tug fell off one bit you could get him
14 in irons.

15 Q. You have no suggestions as to how we could
16 overcome this?

17 A. No, I have no suggestions whatsoever.

18 THE CHAIRMAN: What about aids to navigation?
19 For instance, a range light, range marker that you could
20 line your ship on, dredging the channel?

21 THE WITNESS: It is not only a case of getting
22 the ship in position, it is being able to see what is
23 up ahead of the ship. As I stated before, there are
24 log rafts, fishermen. This is only a small portion of the
25 fishermen we get here. There are as many as four thous-
26 and there.

27 THE CHAIRMAN: But the Harbour Master is
28 supposed to have the road clear?

29 THE WITNESS: I don't know if it is possible.
30 But all the safe practices of seamanship tell you to keep



1 a good lookout. How can you keep a good lookout if you
2 can't see?

3 THE CHAIRMAN: You said you are obliged to make
4 a turn to port.

5 THE WITNESS: Yes.

6 THE CHAIRMAN: If the channel was dredged
7 further so that you could make a turn later after you
8 are through the Bridge, what about that?

9 THE WITNESS: That is a slight possibility.
10 But any suggestions you have made have not widened that
11 hole. A ship fills that hole up a great deal. I have
12 made a small sketch here. I don't want to produce it
13 because it is rough. I drew a 500-foot ship, 503-foot
14 ship, and Bridge to scale, and when that ship is just
15 entering the Bridge there is 500 feet hanging down
16 below the bridge. If the head on of the ship falls off
17 one degree the stern of the ship will fall off 55 feet.
18 If you happen to have a ship and if she falls off to
19 starboard, her stern would swing over 50 feet and will
20 hit that Bridge. It is still too small.

21 Q. That applies to conventional ships as
22 well, does it not?

23 A. Well, the pivot point of the ship is still
24 the same, but the pilot's perspective is different. On
25 a conventional ship you are more or less right smack on
26 the pivoting point and you can easily ascertain whether
27 the ship is swinging, but on a bridge aft ship it takes
28 longer to notice it.

29 Q. If someone was familiar with the ship like
30 that it would assist a lot?



1 A. Undoubtedly it would assist, if there was
2 nothing but bridge-aft ships and a pilot never trained
3 on anything else; it would help. But it certainly would
4 not alter the fact that you are going to be sweeping back
5 and forth over a large arc of the horizon.

6 Q. Would this be an aid, that you had one
7 pilot trained, had him take a familiarization course on
8 bridge-aft ships?

9 A. Where are you going to get a pilot like this?
10 We all agree it is not fair to the pilot, it is not fair
11 to the port of New Westminster to endanger ships there,
12 and that was agreed with everyone connected with this port
13 for years, even before the New Westminster Bridge was
14 built. Now in the last six or seven months or the last
15 year or so everybody says it is wide enough. For 30 or
16 40 years or so it was dangerous, but now it is all right.
17 It is not a situation brought on by the pilots and it is
18 not a situation which can be cured by the pilots.

19 Q. Leaving out the question of where a pilot
20 would come from at the moment, if a pilot were to take
21 a familiarization course, were he to take one, would it
22 help?

23 A. I think not.

24 Q. In answer to a question by his lordship
25 you stated you couldn't keep a proper lookout from a bridge-
26 aft ship. Does not the mate go forward in a case like
27 that?

28 A. Very often the mate and several sailors are
29 up on the foc'sle head, to tie up at Fraser Mills, which
30 is another reason, that if you hit that Bridge you are



1 going to kill somebody up on that foc'sle head.

2 Q. Would they not be of some assistance in
3 guiding it through?

4 A. I don't know about some assistance. They
5 don't know where the ship is supposed to be going, they
6 don't know whether the ship is off to one side or whether
7 the current is swinging it this way or that way.

8 Q. Do you know how many bridge-aft ships have
9 gone through the Bridge?

10 A. I don't know offhand. I would say quite
11 a few.

12 Q. What brought this problem to a head, if
13 several have gone through?

14 A. There was an accident have a large bridge-
15 aft ship. It occurred to one of the oldest pilots, one
16 of the most senior pilots.

17 MR. JACQUES: When?

18 THE WITNESS: I believe it was in 1957.

19 I wouldn't be sure about that. I have all that written
20 down. You didn't tell me you were going to ask me all
21 these questions.

22 THE CHAIRMAN: If you don't know the information,
23 that is all right. You may refer to your records and
24 answer tomorrow.

25 THE WITNESS: Thank you, your lordship. Your
26 question about how many of these ships have gone up there
27 and my answer was several, I have taken several up
28 myself.

29 Q. You have taken several bridge-aft ships
30 up there?



1 A. Yes. But they were all 375 feet or less.
2 You are thinking of large ones?

3 Q. Yes. Just one other thing. I notice in
4 these recommendations that the Bridge shall be traversed
5 in daylight only. Could there be any navigational aids
6 in the way of lighting so that it could be used at
7 night?

8 A. I fail to see what possible lights on the
9 Bridge itself could be installed which would in any way,
10 shape or form assist a pilot going through there. No
11 matter how many lights you have, you still have a narrow
12 opening, and the more glare you are going to have the
13 more shadows you will have.

14 Q. Could you not do it with certain coloured
15 lights going through there?

16 A. That is something that could be possible.
17 But it still wouldn't alter the fact that you can't see
18 the water ahead of the ship and you have a blind spot in
19 front of the Bridge.

20 Q. You mean after you get through?

21 A. That is correct. In other words, you
22 wouldn't start through if you couldn't see what is on
23 the other side.

24 Q. Whereas on the open river you can see for
25 some distance ahead?

26 A. That is correct. And also on the open
27 river your lookout on the foc'sle head, even on a bridge-
28 aft ship, can tell you something.

29 Q. You are bringing particulars of this
30 accident tomorrow, I believe?



1 A. I can't bring any particulars. That is
2 not my information. You will have to get that from the
3 Pilotage Authority.

4 MR. JACQUES: We will try to get it for you.

5 MR. HUNTER: Thank you. That is all, my lord.

6
7 CROSS-EXAMINATION BY MR. LANGLOIS:

8
9 Q. Capt. Spier, since this restriction has
10 been in force, what has been the effect on your earnings
11 as pilots?

12 A. I believe it has reduced our earnings
13 considerably. If we can believe what the people directly
14 concerned with these ships tell us, that we are losing
15 business, it has undoubtedly reduced our earnings,
16 considerably, I would say.

17 Q. Do I understand that your sense of
18 responsibility is much stronger than your wish to get
19 more money?

20 A. As modest as I am, I must agree with that.

21 MR. LANGLOIS: Those are all my questions.

22 I wish to draw your lordship's attention to the
23 fact that a while back your lordship asked a question
24 regarding these inquiries and your lordship referred him
25 to Section 25 of the by-laws. From my reading, from my
26 interpretation of this by-law, it has only to do with
27 breach of discipline.

28 THE CHAIRMAN: So we would like to have for
29 the record which Section of the by-law he was referring to.

30 MR. LANGLOIS: That is exactly the point I wish



FF3 1 to make, that there is no provision in these by-laws for
2 inquiring into shipping casualties; and since in this
3 District there have been very few shipping casualties,
4 I would like to suggest that the shipping companies'
5 lawyers inquire into what would happen should an accident
6 occur in this District.

7 THE CHAIRMAN: Well, I put the question because
8 we are trying to find it right here, so that it is easier
9 to get the answer right here.

10 MR. LANGLOIS: There is no Section.

11 MR. JACQUES: My lord, I have two questions to
12 put to the witness.

13 THE CHAIRMAN: All right, go ahead.

14
15 RE-DIRECT EXAMINATION BY MR. JACQUES:

16
17 Q. You mentioned that having two pilots on
18 board a ship did not work satisfactorily. How many
19 experiences have been made with two pilots on board?

20 A. Personally I have had no experience with
21 two pilots on board. At the same time, I have never had
22 any experience with two pilots driving a car.

23 Q. That may not be exactly the same problem.
24 As regards bridge-aft ships, did the Pilots' Committee try
25 to evolve a way of getting these ships through the
26 Bridge?

27 A. We have discussed it on numerous occasions.

28 Q. And you couldn't come up with an adequate
29 solution to taking the ships up through the Bridge?

30 A. No, we could not. We discussed it on



1 several occasions. But I don't feel myself that that
2 Bridge is the answer to the decline in shipping from up
3 there.

4 Q. I was just wondering whether the pilots
5 had discussed this matter and tried to evolve a way of
6 getting over this difficulty.

7 A. That is correct. But you referred a moment
8 ago to how many times pilots had experimented with two
9 pilots. I don't think a pilot has any right to do any
10 experimenting with anybody's ship.

11 Q. That is beside the question, I would say.

12 A. I must disagree with you on that point,
13 because that is the reason for our good safety record here,
14 that we follow tried and proved practices of safety, which
15 is the pilots' creed in this river here.

16 THE CHAIRMAN: We will adjourn until tomorrow
17 morning at nine-thirty.

18

19 * * * * *

20

21 ---WHEREUPON THE HEARING ADJOURNED AT 5:45 P.M. UNTIL TUES-

22 DAY, MARCH 26th, 1963 AT 9:30

23 A.M.

24

25

26

27

28

29

30



ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Courthouse Annex,
New Westminster, British
Columbia, on the 26th day of
March, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. Gilbert W. Nadeau	Secretary
Mr. F.S. Morissette	Asst. Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.	

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild and for the Pilots of the Pilot- age District of New Westminster (Fraser River).
Mr. J. S. Clyne	for Vancouver Chamber of Shipping
Mr. W. T. Hunter	for New Westminster Harbour Commissioners
Mr. R. N. Monroe	for Pacific Coast Ter- minals Company Limited
Mr. H. P. Legg	for Crown Zellerbach Building Materials Limited

Also Present:

Capt. F. S. Slocombe, Department of
Transport and liaison Officer

Capt. J. S. Scott, Technical Advisor
to the Commission.



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1432
New Westminster, B.C.
March 26, 1963

dpw 1 --- On commencing at 9.30 a.m.

2

3 JACK M. WARREN, recalled and sworn

4 DIRECT EXAMINATION BY MR. JACQUES (continued):

5 THE SECRETARY: Please give your name in full.

6 THE WITNESS: Jack M. Warren.

7 THE SECRETARY: And what is your occupation?

8 THE WITNESS: Secretary.

9 THE SECRETARY: Of the Pilotage Authority?

10 THE WITNESS: Of the New Westminster Pilotage
11 Authority.

12 Q. Sir, further to the evidence which you
13 tendered yesterday, would you like to file as Exhibit No. --

14 THE SECRETARY: 159.

15 Q. The form of Pilots' Casualty Report.

16 A. Yes.

17

18 --- EXHIBIT NO. 159: Form of Pilots' Casualty Report.

19

20 Q. And as Exhibit 160 a certified copy of
21 the recommendations prepared by the Pilots' Committee and
22 the Authority concerning Westminster Railway Bridge,
23 Pacific Coast Terminals, and Main River Channel.

24 A. Yes.

25

26 --- EXHIBIT NO. 160: Certified copy of the recommendations
27 prepared by the Pilots' Committee
28 and the Authority concerning West-
29 minster Railway Bridge, Pacific
30 Coast Terminals and Main River
Channel.

Q. And as Exhibit 161 the breakdown of



1 revenue for the years ending March 31st, 1961, December
2 31st, 1961, and December 31st, 1962, in a bundle?

3 A. Yes.

4
5 --- EXHIBIT NO. 161: The breakdown of revenue for the
6 years ending March 31st, 1961,
7 December 31st, 1961, and December
8 31st, 1962, in a bundle.

9 Q. And in order to help the Commission under-
10 stand the evidence which you gave, would you file the
11 folder on CU & C Health Services group plan?

12 A. Yes.

13 --- EXHIBIT NO. 162: Folder on CU & C Health Services
14 group plan.

15
16 MR. JACQUES: My lord, the witness was requested
17 to prepare answers on Exhibit 155, so the witness is
18 available to answer questions which are intended, I think,
19 by Mr. Legg.

20 THE CHAIRMAN: Exhibit No. 155 was the letter
21 from D.O.T.?

22 MR. JACQUES: Yes, my lord.

23 THE CHAIRMAN: Dated July 4th, 1959?

24 MR. CLYNE: It was dated July 4th, 1961, sir.

25
26 CROSS-EXAMINATION BY MR. CLYNE:

27 Q. You have had an opportunity to look into
28 the figures set out in that statement, have you, Mr.
29 Warren?

30 A. Yes.



1 Q. And are they correct?

2 A. Yes, I would verify that the figures used
3 to set up this document were supplied by me to the Depart-
4 ment of Transport. They are figures covering revenue,
5 expense, the number of assignments, and hours aboard ship.
6 I didn't prepare the document, but I did supply the
7 figures, and I would say that the figures are correct.

8 Q. Including the net income per effective
9 pilot, as set out for the four years concerned?

10 A. Those figures are computed by the Depart-
11 ment in a different manner to which we prepare our state-
12 ments. They include all monies obtaining to the pilot,
13 including superannuation, travel, insurance, everything
14 that goes to a pilot. Not just his revenue; his gross
15 earnings.

16 Q. Not just his gross earnings?

17 A. Not just his gross earnings, but includes
18 pension, which is not the way we usually compute a man's
19 gross earnings.

20 Q. Pension is usually included in a man's
21 gross earnings, isn't it?

22 A. Well, it is, but not the way we handle it
23 in our district.

24 Q. And also concerning time aboard ship per
25 effective pilot, at the bottom of the list, for the four
26 years?

27 A. That is correct to a point. If you take
28 the hours that were shown here as being time spent aboard
29 ship by all the pilots collectively, and divide it by the
30 seven pilots, and divide it by a full working year of 335



1 days, that works out to that figure, but it does not take
2 into account any travelling time, or stand-by time, or
3 anything like that.

4 Q. No travelling time?

5 A. No travelling time. This is actually just
6 time aboard the vessels.

7 Q. And that does not take into account the
8 days off per month?

9 A. No days off, or, as I say, time spent at
10 home on stand-by, waiting for assignment.

11

12 CROSS-EXAMINATION BY MR. LEGG:

13 Q. Yesterday, Mr. Warren, I asked you some
14 questions about the charges for going through the bridge,
15 and there is a charge under your bylaws of \$30.25, I think
16 it is, under the schedule to your bylaw, paragraph 1, sub-
17 paragraph b. Now, I was under the impression that that
18 had been in existence for some time, but I understand now
19 that it has only been in existence for the last two years.
20 Is that correct?

21 A. That is correct. That came into being in,
22 I believe it was December, 1959, or January of 1960. I
23 have not the exact date.

24 Q. Turning now to another topic, then,
25 Exhibit 160, which is a certified copy of the Authority's
26 recommendations. Do you have a copy of that in front of
27 you?

28 A. No, I don't.

29 THE CHAIRMAN: Mr. Secretary, will you provide
30 the witness with a copy of Exhibit 160, please?



1 Q. Can you tell the Commission when these
2 regulations, or recommendations, came into effect?

3 A. No, not without looking back into my
4 records. I can't tell you the exact date.

5 Q. Can you tell us this, then, did all of
6 the recommendations come into effect on one date, as a
7 new policy?

8 A. No. These are - a great number of them
9 are regulations, or recommendations, that have been in
10 effect for years and years, and pertaining to the West-
11 minster Railway Bridge the vessel has never been traversed
12 except in daylight hours, which is the number one recommen-
13 dation here.

14 Q. That particular recommendation has been
15 in effect throughout your term of office, at any rate?

16 A. Definitely. All these have been in
17 effect, I would say the majority at least, all through my
18 term of office.

19 Q. And your term of office takes us back to
20 1952?

21 A. That is correct. They were not possibly
22 documented, but they had always been understood rules and
23 agreed methods of navigating in the river.

24 Q. And specifically also this applies to the
25 use of the Knot-type vessel?

26 A. The Knot-type vessel always had, ever
27 since they were built, I presume, come and gone in the
28 river the same as any other type of vessel.

29 Q. But I am speaking particularly of the
30 restriction on the navigating of the Knot-type vessel



1 through the bridge, and the restrictions restricting, or
2 prohibiting, any vessel in excess of 375 feet of that
3 type?

4 A. Well, there was no restriction put on the
5 Knot-type vessel.

6 Q. Well, when did that restriction first come
7 into effect?

8 A. On the Knot-type vessel?

9 Q. Yes.

10 A. There is no restriction on it. They are
11 accepted.

12 Q. Maybe we are talking at cross purposes.
13 Referring to Item 8 of Exhibit 160, in the first sub-
14 paragraph: "Large vessels with bridge aft shall not be
15 taken through the bridge." Then it goes on: "Knot-type
16 vessels accepted." Now, I understand that to mean that
17 a bridge-aft vessel in excess of 375 feet shall not be
18 taken through the bridge; is that correct? My question is
19 when did that come into effect?

20 A. I believe it was in 1957 that a vessel
21 named the "Kavadoro" was the first bridge-aft vessel to
22 come into the port of New Westminster, that is the large
23 type. She was taken to Fraser Mills, and taken out again.
24 So much difficulty was encountered in navigating the
25 bridge with this vessel that a very, close to a serious
26 accident; the thing was discussed by the pilots, carefully
27 discussed, and evaluated. At that time they agreed that it
28 was not safe to navigate this bridge with this type of
29 vessel. The recommendation was then, I believe, given to
30 Seaboard Shipping Company, who were the agents for the



1 vessel, that further trips through the bridge by this
2 vessel would not be recommended.

3 Q. Do you recall what the length of that
4 vessel was?

5 A. No.

6 Q. Do you have any record of it?

7 A. I would have a record in the office, yes.

8 MR. LEGG: May the witness be asked to obtain
9 those dimensions, my lord?

10 THE CHAIRMAN: Could you obtain the dimensions?

11 THE WITNESS: Yes, I could obtain them from a
12 record in the office, sir.

13 THE CHAIRMAN: That is all right. Would you do
14 that?

15 THE WITNESS: Yes, my lord.

16 Q. Possibly just for the sake of continuity
17 of your evidence this morning, and right now, in the
18 Harbour Commission's brief there is a reference to the
19 "Kavadoro", and the vessel is described as a length of 521
20 feet, 5 inches, with a beam of 62 feet, 6 inches?

21 A. That sounds like the proper dimensions.
22 I know she was a large ship.

23 Q. She was a large, bridge-aft vessel?

24 A. That is correct.

25

26 CROSS-EXAMINATION BY MR. HUNTER:

27 Q. Mr. Warren, do you know when the "Kavadoro"
28 was taken through the bridge, what month of the year?

29 A. It was in the ---

30 Q. Well, I will put it another way. My



1 instructions are that it was during the freshet time?

2 A. I believe it was, but I couldn't say what
3 the height of the freshet was, or what the conditions
4 were at that time.

5 Q. My instructions are that it is more diffi-
6 cult to navigate the approach during the freshet; is that
7 correct?

8 A. Yes, that has always been my knowledge from
9 the pilots.

10 Q. To your knowledge, have they ever tried to
11 take another bridge-aft, large ship through at the time of
12 the freshet?

13 A. No, to my knowledge that was the only ship
14 of that type that went through.

15 Q. Captain Spier on the stand last night said
16 that there was an accident going through the bridge with a
17 bridge-aft ship. Was he likely referring to this almost
18 accident, or was there an accident as such?

19 A. I didn't hear Captain Spier's testimony,
20 but there never was an accident as such. There may have
21 been a near accident.

22 Q. But do you know of any accidents with
23 bridge-aft ships going through the bridge?

24 A. No, I don't.

25

26 CROSS-EXAMINATION BY MR. LANGLOIS:

27 Q. Mr. Warren, coming back to this Exhibit
28 155, and the annexure thereto, would you tell the Commis-
29 sion if these figures, as computed apparently by the
30 Department of Transport, were computed on the same basis



1 as you do compute your figures in connection with your
2 annual reports?

3 A. No, they are an entirely different method
4 of computing.

5 Q. Would you be able to ---

6 THE CHAIRMAN: Is that Exhibit 149 you are
7 referring to?

8 MR. LANGLOIS: No, it is Exhibit 155.

9 THE CHAIRMAN: You are referring also to the
10 annual report, which is Exhibit 149?

11 MR. LANGLOIS: Yes, my lord.

12 Q. Have you been able to ascertain which
13 period is covered, for example, in the first column on
14 the annexure to Exhibit 155, when you have gross revenue
15 of district, under the heading of 1957/58. What period is
16 covered by this?

17 A. I would take it to be the period ending
18 March 31st of 1958. 1957/58 would be the year, yes, ending
19 March 31st, 1958, I would think.

20 Q. Well, what is your fiscal year?

21 A. That is right, yes.

22 Q. Is that your fiscal year?

23 A. It was. It has been since changed, in
24 1960.

25 Q. Let's take then 1959/60. Would that
26 correspond to your fiscal year?

27 A. I can't be sure just the date that that
28 change was made. I would have to look that up.

29 Q. You are not sure. Have you been able to
30 ascertain the reason for the discrepancy in the figures



1 shown in this annexure as representing the gross revenue
2 of the district for the year 1959/60, as compared to the
3 figures shown in your 1960 annual report?

4 A. No, I would have to check a lot further,
5 and find out where these figures came from exactly. I
6 would have thought that they would have been taken from
7 our annual report, but there is a difference. I will have
8 to check through to find out where.

9 Q. In your examination of this annexure to
10 Exhibit 155, have you noticed that the figures given as
11 being the gross revenue for the year 1959/60 do not
12 correspond to the gross revenue mentioned, or shown in
13 your annual report for the same year?

14 A. Yes, I noticed it is different, and the
15 only thing I could assume was that they have prepared this
16 from figures that I have given them, but I have not, as I
17 say, I have not had time to check through and find why
18 there is a difference in those figures.

19 Q. So I take it that you are unable to state
20 definitely that these figures are correct?

21 A. That would be so.

22 THE CHAIRMAN: Before you go further, could you
23 tell us what was your fiscal year prior to 1960?

24 THE WITNESS: Ending March 31st in each year,
25 sir.

26 THE CHAIRMAN: And since?

27 THE WITNESS: It is now on the calendar year
28 ending December 31st.

29 Q. Now, have you, for example, in this
30 annexure to Exhibit 155 - you have total time on board



1 ship during the year, and the total for 1960/61 is shown
2 as being 4,613 hours. Have you checked this figure?

3 A. That is - I have not checked it again.
4 I again presume it was figures that I gave to the Depart-
5 ment of Transport. I did prepare figures for them some
6 years back.

7 Q. Does what you have just said apply also to
8 the figures of the same totals for the year 1959/60, 1958/
9 59 and 1957/58?

10 A. That does apply, sir.

11 Q. So you cannot state for sure as to whether
12 or not these figures are correct?

13 A. No, I presume it is made from figures that
14 I prepared, but that is all I can do at the present time.

15 Q. You mentioned that the travelling time was
16 not apparently included in these figures. Have you calcu-
3 17 lated what the travelling time would have been for the
18 same periods as shown in this annexure to Exhibit 155?

19 A. It has always been agreed that travelling
20 time is approximately three hours per job, and there were,
21 in this case, 1,312 assignments, which would work out to
22 3,936 hours of travelling time.

23 Q. 3,936 hours should be added, for example,
24 to 4,613 hours, as shown for the year 1960/61; is that
25 correct?

26 A. The time quoted here says time aboard
27 ship.

28 Q. Have you been able to ascertain what is
29 meant by "Number of eff pilots."? Does that stand for
30 effective?



1 A. Effective, I believe.

2 Q. What is meant by effective pilots?

3 A. Again, I would just presume that it would
4 mean pilots who were actually working.

5 Q. Would that take into account the sick
6 leave?

7 A. No, I would not think so.

8 Q. Have you checked, for example, this figure
9 for 1957/58, number of effective pilots, as being 5.58?

10 A. No, I don't know how this figure was
11 arrived at.

12 Q. Does that apply also to the same figure
13 for the year 1958/59, where the number of effective pilots
14 is shown as being 6.64?

15 A. I have not worked that out either.

16 Q. So I take it from your evidence that you
17 can't definitely state as to whether or not these figures
18 are correct?

19 A. That is correct. I can't swear that those
20 are correct.

21 MR. LANGLOIS: My lord, at this point I object
22 to the filing as evidence of this annexure by this witness
23 as being inadmissible evidence, and that if my learned
24 friend wants to place this in the record, he will have to
25 call as a witness the person who did these calculations.

26 THE CHAIRMAN: In any event we know what it is
27 worth now, because we followed the presentation made. We
28 can't trust those figures with the answers received, but
29 in any event, it is going to stay in the record, for what
30 it is worth, and we will see, if nobody else does, how the



1 figures can be checked over. We will make the check our-
2 selves by asking either the Pilotage Authority here to do
3 it, or to find out what is the source of those figures.
4 In any event, it is going to be done.

5 MR. JACQUES: My lord, I am given to understand
6 that this business of effective pilots will be fully dealt
7 with in Ottawa, and how they arrive at these various work
8 load figures.

9 MR. CLYNE: My lord, I understand from my
10 friend that this will be proved in Ottawa. May I ask one
11 question which I omitted, my lord?

12 THE CHAIRMAN: Yes.
13

14 CROSS-EXAMINATION BY MR. CLYNE:

15 Q. You told Mr. Langlois that the agreed time
16 for travelling was three hours; is that right?

17 A. Yes, that is approximately the time it
18 takes from the time the pilot is assigned to the job till
19 the time he is aboard the ship.

20 Q. And that is aboard the ship at Sand Heads?

21 A. Sand Heads, yes.

22 Q. And would that not include movages within
23 the harbour itself?

24 A. Yes, possibly.

25 Q. In other words, travelling for movages
26 within the harbour would be considerably less?

27 A. Considerably less, yes. We have taken an
28 average of three hours.

29 Q. But I understand you to say that the
30 average travelling time in the harbour would be less, but



1 the average time for a pilot to travel to Sand Heads to
2 board a ship would be three hours?

3 A. Yes, but in discussion with people from
4 the Department of figures for the purposes of figuring
5 this out, they always included the movages and assignments
6 as three hours.

7 Q. It was just a general lump sum?

8 A. Yes, the travelling time to a ship at
9 Sand Heads might be longer, depending on the transporta-
10 tion available, on the weather, and so on, that it averages
11 out at about three hours.

12 Q. And in averaging this you have taken into
13 consideration the travelling time concerning movages in
14 the harbour?

15 A. That is right.

16 Q. That to your knowledge has been taken into
17 consideration?

18 A. That is the way it was always computed.

19 Q. I am asking to your personal knowledge is
20 that correct?

21 A. That is correct, yes.

22 Q. Of your own personal knowledge?

23 A. Yes, that is the way it is computed. It
24 does not take them three hours to travel to a movage, but
25 it is averaged out that way.

26 THE CHAIRMAN: But for a movage, of course, it
27 is shorter, but for the other, to go to board a ship it is
28 longer, isn't it? It might be longer than three hours?

29 THE WITNESS: Yes, it could be very easily
30 longer than three hours. For a movage the time a man



1 leaves his home and gets down to the ship is possibly
2 half-an-hour. Then he moves it somewhere else, perhaps
3 to Fraser Mills and comes back.

4 THE CHAIRMAN: And, of course, you have the
5 conditions of traffic and so on?

6 THE WITNESS: Yes.

7 THE CHAIRMAN: But from your own experience,
8 from your own knowledge, do you think this average of
9 three hours, taking into consideration the movage and also
10 the other jobs, that that would be a fair average?

11 THE WITNESS: I would consider it to be a fair
12 average, my lord.

13 MR. LANGLOIS: Would your approximation of the
14 travelling time include detention?

15 THE WITNESS: No.

16 MR. LANGLOIS: Would it include cancellations?

17 THE WITNESS: No, not at that time we didn't
18 consider cancellations. In fact, cancellations, a pilot
19 going to join a ship at Sand Heads. We have no provision
20 in our bylaws covering those cancellations.

21 MR. LANGLOIS: For example, when the pilot is
22 called to a ship, and later on his assignment is cancelled,
23 do you count that as an assignment?

24 THE WITNESS: No, it is not considered as an
25 assignment.

26 MR. LANGLOIS: So there would be added time for
27 travel time by the pilots for cancellation?

28 THE CHAIRMAN: The detention time would be
29 added to time aboard the ship?

30 THE WITNESS: That is right.



1 MR. LANGLOIS: But not cancellations, my lord.

2
3 CROSS-EXAMINATION BY MR. LEGG:

4 Q. I read in your bylaw that you have a charge
5 of \$18.15 for cancellation. When do you use that charge
6 if you do not charge for cancellations?

7 A. If a pilot actually boards a vessel and
8 then it is cancelled, then the charge is made, but in the
9 case of a pilot joining the ship at Sand Heads, you go out
10 in the pilot boat and sit out on station at the mouth of
11 the river, and if for some reason like engine trouble the
12 ship does not arrive, then he is finally advised to come
13 home, and there is no charge made.

14 Q. Would you read Section 5 of the schedule
15 to your bylaw, please?

16 A. "Where a pilot reports for duty as ordered
17 and the duty is cancelled for any reason other than the
18 stress of weather he shall be paid a cancellation charge
19 of \$18.15."

20 Q. What do you understand the words "report
21 for duty" mean?

22 A. Well, if the pilot did join a ship.

23 Q. If he reports to your office, for instance,
24 to join a ship, would you consider that he had reported
25 for duty?

26 A. Definitely; he is then coming to the
27 office to proceed to the job to which he has been ordered.

28 Q. And then if that particular job is
29 cancelled, don't you think you would be justified in
30 making the cancellation charge against the ship?



1 A. Possibly we have been remiss there, that
2 we have never charged against cancellation in those cir-
3 cumstances.

4 Q. Now, referring to Exhibit 160, being the
5 recommendations made by the pilots, could you tell the
6 Commission approximately at what time they took the form
7 they are in in Exhibit 160?

8 A. I think it was 1961 when they were finalized
9 at the request of shipping people - in fact, from the
10 Vancouver Chamber of Shipping - for some listing of what
11 the restrictions, of what the navigational problems were
12 on the river. This was compiled, and most of these
13 recommendations had been in effect for years and were
14 accepted practice in the river. This was the first time
15 they were put down on paper as such.

16 Q. In 1961?

17 A. I believe it was in 1961. I would have to
18 refer back to my correspondence on that.

19 Q. I would like to have the exact date if at
20 all possible, please. Perhaps that would help you to
21 answer my question.

22 A. This is a copy of the letter signed by me
23 which was sent to the Vancouver Chamber of Shipping dated
24 April 21st, 1961.

25 Q. And what does it state?

26 A. "As discussed at the meeting held on
27 March 1st between the Pilotage Committee and the Chamber
28 of Shipping and the New Westminster Pilotage Authority
29 and pilots, we enclose herewith a list of recommendations
30 for the safe navigation of vessels on the Fraser River."



1 Q. And that is the first time that they had
2 been compiled and published as such, as recommendations?

3 A. That is correct.

4 MR. JACQUES: Thank you very much, sir. That
5 is all.

6 THE CHAIRMAN: Any further questions of the
7 witness?

8 MR. LANGLOIS: Yes, sir.
9

10 RE-CROSS-EXAMINATION BY MR. LANGLOIS:

11 Q. Mr. Warren, in this Section 5 of the bylaws
12 mention is made of cancellation due to stress of weather.
13 Would you tell the Commission if you have many of these
14 cancellations due to stress of weather in any given year?

15 A. During the fog season there are consi-
16 derable of these. A pilot may possibly report to a ship
17 half-a-dozen times in the course of 24 or 48 hours. When
18 the tide is right he will go to the ship. If the weather
19 is not suitable, if it is so foggy, he will come home
20 again, advise the master when his next sailing time will
21 be and come home. This could happen half-a-dozen times
22 on one job before the ship is able to sail.

23 Q. Would you be able to provide the Commis-
24 sion, for example, with the number of cancellations for
25 the year 1962? Would that be too much work?

26 A. The ordinary cancellations, not as far as
27 these ---

28 Q. Due to stress of weather.

29 A. I have no record of that.

30 Q. Could you give an approximate idea of the



1 number of such cancellations due to stress of weather?

2 A. I couldn't guess at it.

3 Q. Do I understand that no account is taken
4 of the cancellations due to stress of weather?

5 A. No account was taken.

6 Q. Do you consider a pilot is on duty when
7 later on the pilotage is cancelled?

8 A. That is right.

9 THE CHAIRMAN: And no time is computed?

10 THE WITNESS: No time is computed and no cancel-
11 lation charge is made.

12 THE CHAIRMAN: And, in fact, there was travel-
13 ling time?

14 THE WITNESS: Yes.

15 Q. Now, mention was made when you introduced
16 Exhibit 160 of a meeting between the Chamber of Shipping
17 and the Pilotage Authority and the pilots; is that correct?

18 A. Yes.

19 Q. Regarding these recommendations and
20 restrictions to navigation on the Fraser River?

21 A. That is correct.

22 Q. Was that following any complaints to the
23 Pilotage Authority by the Chamber of Shipping that this
24 meeting was held?

25 A. That is right.

26 Q. So at this meeting the Pilotage Authority
27 was really disposing of a dispute; is that a fact?

28 A. Yes.

29 MR. LANGLOIS: Very good. Thank you.

30 MR. JACQUES: Thank you, sir.



1 MR. LEGG: Just for the record, my lord, if my
2 friend is suggesting that this witness is capable of
3 construing the bylaws as indicated in the manner of his
4 last question, I object to the question. I, for one,
5 would not like my client to be faced with an unappealable
6 ruling.

7 MR. LANGLOIS: I would like my friend to tell
8 me how he can construe the meaning of the bylaw.

9 MR. LEGG: The suggestion was that at this
10 meeting there was some function performed by the Pilotage
11 Authority which was final, according to the wording of
12 Section 9 of the bylaw.

13 THE CHAIRMAN: The question is whether they
14 have a meeting and they don't agree that it is a dispute
15 or not.

16 MR. LEGG: That is correct, and I object to the
17 question.

18 THE CHAIRMAN: Up to now there has never been
19 anything really applicable to Section 9, but only infor-
20 mally.

21 MR. LEGG: Only informally.

22 MR. JACQUES: It has been discovered now and
23 everybody is applying it now.

24
25 KEITH DIXON, sworn

26 DIRECT EXAMINATION BY MR. JACQUES:

27 Q. Sir, you are the District Marine Agent
28 for the Department of Transport?

29 A. Yes.

30 Q. And does your territory include New



1 Westminster Harbour and Fraser River?

2 A. It does.

3 Q. And I understand from previous evidence
4 that aids to navigation are under your jurisdiction?

5 A. That is correct, sir.

6 Q. Have you had any complaints from pilots or
7 shipowners or shipping agents as regards navigational aids
8 on the Fraser River, buoys, lights and radio aids and
9 radar, reflectors, et cetera?

10 A. Yes, we have had lots of complaints. I
11 should amplify that by saying that we are usually able to
12 satisfy those complaints and do away with them. Aids on
13 the Fraser River, as far as we are concerned, is a
14 continuing job. We are making improvements, we are
15 establishing new ones almost continually. By that I mean
16 year after year. It is a fact that we never quite catch
17 up, and some of the improvements take much longer than
18 others. It depends on the type of improvement or the type
19 of complaint how quickly we can correct it. For instance,
20 if it is just to change the colour of a light because of
21 the background lights, we can do that the next time we
22 have a ship on the river. If it is to electrify, put
23 shore power on the light, it takes very much longer; we
24 may have to call for tenders. The difference in time, the
25 time element between certain improvements and other improve-
26 ments can vary all the way from one day to a year. That
27 is why I say we never seem quite to catch up.

28 But I don't know at the present time of any
29 complaint about the aids on the Fraser River which has
30 not been attended to or which we do not now have in hand



1 to correct.

2 Q. Have these improvements made the river
3 safer for navigation?

4 A. I am not qualified to say that, sir. I
5 am not a master mariner.

6 Q. Thank you. In installing aids to naviga-
7 tion, particularly buoys, are there any particular diffi-
8 culties you encounter on the Fraser River?

9 A. Yes, two.

10 Q. Which are they?

11 A. Two in particular, I should say. One, of
12 course, is our freshet season in June and running into
13 July, and the other is tows on the river. The freshet is
14 sometimes rather hard, it takes our buoys out, and so do
15 the tows. Those are the two main ones.

16 Once in a while the ice gives us some trouble.
17 To the best of my recollection, we haven't had any ice
18 trouble since 1950.

19 Those are the two major ones.

20 Q. Now, sir, as regards notices to shipping,
21 is the procedure followed by the area here in New Westmin-
22 ster the same as that followed for Vancouver? You may
23 recall the evidence you gave during the Vancouver hearings
24 on that point.

25 A. Somewhat similar, but not identical. Here
26 on the river an aid, a light, might be out and because of
27 the arrangement that we have with the Department of Public
28 Works on the river, that light is very often attended to
29 and it is never notified because it is attended to before
30 the next evening comes along, before it is required again.



1 Q. Attended to by whom?

2 A. By the Department of Public Works, by
3 arrangement between D.O.T. and Public Works.

4 MR. JACQUES: Thank you very much, sir. Your
5 witness.

6
7 CROSS-EXAMINATION BY MR. LEGG:

8 Q. Mr. Dixon, is the Fraser River Bridge
9 under your jurisdiction to any extent or under the juris-
10 diction of the Department of Transport to any extent?

11 A. Not to any extent. I take it that we are
12 referring to the railway bridge?

13 Q. We are referring to the railway bridge.

14 A. My understanding is that that would be
15 under the Board of Railway Commissioners.

16 Q. I see. The Department of Transport, in
17 other words, plays no part or it has no responsibilities
18 in connection with the bridge?

19 A. I am not qualified to answer that one, sir.
20 I would say that in my time I have never had occasion to
21 take any action whatsoever with regard to the railway
22 bridge, other than perhaps to issue a notice to shipping.

23 Q. Issue a notice to shipping regarding the
24 railway bridge?

25 A. If there was something happened to the
26 railway bridge or something going on that would restrict
27 navigation in any way, I would then be asked to issue a
28 notice to shipping notifying what the conditions were going
29 to be.

30 Q. Do you recall any occasions during the



1 past five years when restrictions of that type were listed?

2 A. I don't recall any, but that doesn't mean
3 to say that there haven't been any.

4 Q. Is it the responsibility of the Department
5 of Transport at all to light the bridge as far as naviga-
6 tional hazards are concerned?

7 A. The lighting of any bridge over navigable
8 waters would come under the Navigable Waters Bridges
9 Regulations which are administered by the Department of
10 Transport. The Minister under these regulations has quite
11 wide authority. Specifically as regards the railway
12 bridge on the river here, I cannot recall the matter having
13 come up in the last ten years.

14 Q. I see. Are there any regulations or
15 instructions or standards of lighting as far as the bridge
16 is concerned?

17 A. I am not familiar with the Board of Rail-
18 way Commissioners Act. Speaking for other bridges over
19 navigable waters, the regulations are quite clear. I can
20 only presume that in the event of a new railway bridge
21 being built there would be a liaison between the Commis-
22 sioners and the Department, but I cannot say that of my
23 own knowledge.

24 I do recall that under the Navigable Waters
25 Bridges Regulations there is one paragraph that gives the
26 Minister of Transport very wide powers, and the Board of
27 Railway Commissioners. I cannot quote it to you.

28 The fact has been that there have been no new
29 railway bridges built for very many years.

30 Q. Mr. Dixon, would you feel more comfortable



1 if you looked into your files to check whether, in fact,
2 you did have any regulations regarding navigation lights
3 on this bridge or any instructions or regulations you may
4 have? I realize you may not have thought about this
5 before you gave evidence this morning, but you might wish
6 to check some of your files. Would you care to do that
7 later?

8 A. I could give you a partial answer right
9 now, sir.

10 Q. Very well, I would like to know the answer.

11 A. I am reading from the List of Lights and
12 Fog Signals, Pacific Coast.

13 THE CHAIRMAN: It was filed as Exhibit No. --?

14 THE SECRETARY: No. 76, List of Lights and Fog
15 Signals, Pacific Coast. Exhibit 76.

16 THE WITNESS: Light 265, New Westminster rail-
17 way swing bridge. Year established, 1904. That was before
18 my time, sir - as District Marine Agent. I couldn't
19 answer that offhand. We do have files on it in our office.

20 Q. Is this the only light that appears in your
21 records?

22 A. No, sir.

23 Q. On the railway bridge.

24 A. No.

25 Q. I just wanted to know what lights you did
26 have.

27 A. We do not maintain those lights on the
28 railway bridge.

29 Q. You do not maintain them?

30 A. No.



1 Q. You have no responsibility for them?

2 A. No. There is a white light at each end
3 of the swing projection and a white light at each end of
4 the navigable channel. There is also a red flashing light,
5 and also one that is either white or green as the boat may
6 be. These are all listed here.

7 Q. Is your Department responsible for the
8 adequacy of lights so far as navigational aids are
9 concerned? Let me put this general situation to you.
10 Supposing it was an obvious improvement to this bridge for
11 it to be floodlit at night, to aid vessels trying to get
12 through at night, would your Department play any part in
13 putting any recommendations like that into effect?

14 A. If some body such as the Fraser River
15 pilots were to draw that to our attention, our procedure
16 would be to follow it up, and in that particular case I
17 would refer it, knowing that it also involves the railway,
18 to headquarters in Ottawa for further consideration.

19 Q. You wouldn't regard it as outside the
20 ambit of your Department's responsibility; it is something
21 you would consider and might put into effect?

22 A. I would consider it our Department's
23 responsibility to give the suggestion consideration.

24 Q. And if the consideration was an approval,
25 what would then be done?

26 A. You mean who would pay for it?

27 Q. Well, would your Department do anything
28 about it or would you make a recommendation to someone
29 else?

30 A. Very often we can't say beforehand who is



1 going to pay for it. What I do say is that it would be
2 given consideration, and I certainly have no authority to
3 say either way that we would pay for it or the U.P.R. or
4 perhaps a joint effort. I don't have that kind of authority.

5 Q. Are you familiar at all with the financing
6 of this railway bridge in this sense, that I see in the
7 Public Accounts of Canada there is a reference to a trust
8 fund with reference to this railway bridge. Do you know
9 anything at all about that trust fund?

10 A. Nothing at all, sir.

11 Q. It does not come within the ambit of your
12 Department's responsibilities?

13 A. It doesn't come under my jurisdiction of
14 marine agent in Victoria District Marine Agency.

15 Q. Have you had any discussions with any
16 representatives of the pilots in the last five years about
17 this bridge?

18 A. Not to my knowledge, sir.

19 Q. No discussions about lighting, for
20 instance?

21 A. Not of the railway bridge.

22 Q. I am talking about the railway bridge all
23 the time.

24 Turning to another subject, Mr. Dixon, does
25 your Department carry out any survey or analysis of the
26 type of shipping that is used, the type of vessels used in
27 New Westminster, Vancouver, on the Fraser River? I have in
28 mind specifically the present trend towards the use of a
29 bridge-aft vessel for loading cargo. Has your Department
30 ever shown any interest or done any research into that



1 particular matter?

2 A. I couldn't speak for the Department as a
3 whole, sir. Speaking for the Victoria District Marine
4 Agency, the answer is no.

5
6 CROSS-EXAMINATION BY MR. HUNTER:

7 Q. Colonel Dixon, would it be possible to put
8 aids on the far side of the bridge to assist in navigating
9 the railway bridge?

10 A. That is a question which I couldn't answer
11 offhand, sir. It would take engineering study and calcula-
12 tion. We have never made that study yet.

13 Q. Have you ever had any occasion to make a
14 study to see if aids could be of assistance in traversing
15 the railway bridge?

16 A. No, not in the time I have been Marine
17 Agent.

18 Q. If any requests were made they would go to
19 you, would they not?

20 A. They would get to me eventually, yes.

21 Q. You have had no requests as to floodlighting
22 the bridge?

23 A. No.

24 Q. Would that be feasible, do you know, flood-
25 lighting the passage under the bridge?

26 A. I think it would be remiss on my part to
27 express an opinion without studying it. This is the first
28 time I have heard of it, sir. I wouldn't make a snap
29 judgment.

30 MR. HUNTER: Thank you.



1 MR. JACQUES: Thank you, sir.

2 MR. CLYNE: I apologize for not bringing this
3 up before, but it arose out of the recommendations of the
4 pilots concerning safety recommendations, navigation on
5 the Fraser River.

6
7 JACK M. WARREN, recalled

8 THE SECRETARY: You are still under the same
9 oath, Mr. Warren.

10
11 RE-CROSS-EXAMINATION BY MR. CLYNE:

12 Q. Mr. Warren, concerning the pilots' safety
13 recommendations for the Fraser River, you have told the
14 Commission that there was a meeting held on March 1st,
15 1961.

16 A. I am not positive of the date now, but it
17 was in 1961, I believe.

18 Q. And did you attend that meeting?

19 A. Yes.

20 Q. And also at that meeting were members of
21 the Chamber of Shipping, were there not?

22 A. Yes.

23 Q. And also the New Westminster Harbour
24 Commissioners?

25 A. No, the pilots, I believe, and the Pilotage
26 Commissioners.

27 Q. Would it be fair to say that that meeting
28 was arranged at the instigation of the Chamber of Shipping?

29 A. Yes, I believe so.

30 Q. And until the Chamber of Shipping



1 represented to you concerning this, there had been nothing
2 written down before insofar as the recommendations of the
3 pilots are concerned, safe navigation?

4 A. As far as I can recall, that was the first
5 time it was documented.

6
7 ROBERT WALLACE, sworn

8 THE SECRETARY: What is your full name?

9 THE WITNESS: Robert Wallace.

10 THE SECRETARY: What is your address, Mr.
11 Wallace?

12 THE WITNESS: 4754 Northlawn Drive.

13 THE SECRETARY: And your present occupation?

14 THE WITNESS: Civil engineer.

15 THE SECRETARY: In any government or organization?

16 THE WITNESS: For the Department of Public Works
17 of the Federal Government.

18
19 DIRECT EXAMINATION BY MR. JACQUES:

20 Q. Mr. Wallace, how long have you been a
21 civil engineer?

22 A. Fourteen years.

23 Q. Have you always been in the employ of the
24 Department of Public Works?

25 A. Yes.

26 Q. How long have you been stationed in New
27 Westminster?

28 A. In my present job about six years.

29 Q. In the course of your duties have you
30 become familiar with the Fraser River?



1 A. Yes, I have.

2 Q. Would you proceed to examine various
3 details, and tell the Commission what type of river is
4 Fraser River, as regards the silting and moving of banks?

5 A. Well, the Fraser River is a - the lower
6 reaches, that is from New Westminster downstream ---

7 Q. Well, from Fraser Mills?

8 A. This part of the river varies according
9 to the freshet water discharge. The Fraser has an
10 extremely low winter discharge, and a high freshet
11 discharge. It may vary from 20,000 cubic feet per second
12 all the way up to over 500,000, and in the wintertime the
13 predominant influence as far as the Fraser Mills is tidal,
14 and then in the freshet period it is a combination of
15 tidal and fresh water discharge from the upper Fraser.

16 Q. Excuse me. What do you mean by winter?

17 MR. LANGLOIS: When the snow falls in Quebec.

18 THE WITNESS: I phrased that rather poorly.
19 We have the two periods, the summer months, which I call
20 the freshet months, which start at the beginning of May
21 to perhaps the end of August, and then the rest of the year,
22 September through to the end of April.

23 Q. Would be the normal period, as it were, as
24 opposed to the freshet period?

25 A. You get fluctuating flows then, but it is
26 not so pronounced.

27 Q. You mentioned that in the freshet the
28 movements of water I think was influenced by both tides
29 and fresh water discharge, and in the winter by only tides.
30 What other effect would freshet have on the river, either



1 the movement of water or silting effect on banks, et
2 cetera?

3 A. Well, the sedimentation on the river begins
4 with the rising waters at the end of April each year. We
5 don't get very much movement of sediment in the Fraser
6 until the freshet starts, and then the material that has
7 come from the interior of British Columbia, from Hope, a
8 large part of it ends up flowing through the lower reaches,
9 and some of it goes up to the mouth, and some of it remains
10 in the navigable channels.

11 Q. Would you describe this movement of sedi-
12 ments?

13 A. Well, the sediment is a combination of
14 what we call suspended material, which is particles which
15 remain in suspension for long periods of time, and sand
16 particles, which are partly in suspension and partly roll
17 along the bottom, and jump, and perform all sorts of
18 manoeuvres. The total load on the river is called the
19 sediment load, which is further broken down into suspended
20 material and bedded material.

21 Q. Would you tell the Commission what is the
22 net result of this sedimentation as regards navigation in
23 the river?

24 A. Well, generally, when the freshet subsides,
25 usually around the end of July, we find that there is
26 about five or six different areas in the river that show a
27 shoaling after the freshet period.

28 Q. Referring to Exhibits 147 and 148, would
29 you indicate on these two charts these areas of sedimenta-
30 tion, or shoaling?



1 A. Well, starting from the mouth we have what
2 is known as the Buoy 0 to 6 area, which is the willow to
3 the river. It begins at the end of the jetty

4 Q. Sand Heads lightship?

5 A. That is right, and it runs upstream - well,
6 it varies, the length of dredging varies each year, but it
7 may run upstream 3,000 feet.

8 Q. Would you circle that area in blue, and
9 indicate it by the figure 1?

10 (Witness complies)

11 Q. What about the second shoaling area?

12 A. The second shoaling area is what is known
13 as the Buoy 16 to 18, which is the sharp bend on the jetty
14 below Steveston. This area is a little different from the
15 mouth, in that the bar encroaches on the side of the
16 channel, pinching it off, causing a narrower channel,
17 rather than a shallower channel.

18 Q. Would you indicate that with a blue line,
19 and number it with the number 1?

20 (Witness complies)

21 Q. What about the amount of siltation, or
22 sedimentation, in Area 1, indicated on Exhibit 147, how
23 many feet is it?

24 A. This would vary from 500,000 cubic yards
25 to 200,000 cubic yards. Somewhere in that range. It
26 varies from year to year.

27 Q. I am sorry, this does not mean a thing to
28 me. I would like to have it in feet and height.

29 A. I would say three to four feet.

30 Q. And in Area 2?



1 A. In Area 2, I wouldn't define in feet of
2 height, because it is a pinching-off by this bar. It
3 pushes off into this curve, and you may have just a foot
4 at the other edge of the bar, and it may be 8 feet in here,
5 depending on what width it is cut.

6 Q. Are there any other areas of sedimentation,
7 or silting?

8 A. The next important area is the Steveston
9 Cut area, which takes place on this range line.

10 Q. You indicate the new cut range?

11 A. That is right.

12 Q. Would you circle that area with a blue
13 line, please?

14 (Witness complies)

15 Q. And would you number it 3, please?

16 (Witness complies)

17 Q. And would you describe this area?

18 A. This area is a shoaling condition. The
19 bed in the entire width of channel may build up 3 or 4
20 feet over the entire width, and for a variable length,
21 maybe more than a mile long.

22 Q. How long would it take to build up to 3 or
23 4 feet?

24 A. Just during the freshet.

25 Q. So after each freshet they have to dredge
26 that area?

27 A. Yes. Also there have been freshets when
28 we have not had to dredge there, although it has been on
29 very rare occasions.

30 Generally, we don't have any other problems



1 until we get to the Tilbury Bend area, which is opposite
2 Tilbury Island, and there again it is a shoal in the
3 bend. We have to take the inside of the bar ---

4 Q. And would you indicate this area with the
5 number 4, please?

6 (Witness complies)

7 Q. What would be the amount of silting, in
8 height?

9 A. A maximum of 5 feet.

10 Q. And that would also occur during the
11 freshet season?

12 A. That is correct.

13 Q. Now, may we go over to Exhibit 148?

14 A. In the New Westminster area we have three
15 main dredge cuts. We do get dredging in St. Mungo's Bend.
16 This is not done yearly.

17 Q. Will you number it with a 5, please?

18 (Witness complies)

19 Q. And you say this is not done yearly. Why?

20 A. Because the buildup is more gradual than
21 it is in the other.

22 Q. Is the buildup caused by the freshet?

23 A. Yes, it is.

24 Q. Would you carry on, please?

25 A. In the New Westminster area we have three
26 main dredge cuts. One is the approach to the grain eleva-
27 tor.

28 Q. Number it please with the number 6.

29 (Witness complies)

30 A. Another is Annieville Channel, which runs



1 about the centre of the river, something like that.

2 Q. Will you number it 7, please?

3 (Witness complies)

4 A. Another is the approach to the Pacific
5 Coast Terminals wharf, which is an area like that.

6 Q. Will you number it 8?

7 (Witness complies)

8 Q. And are these dredged annually, these
9 areas, 6, 7 and 8?

10 A. Yes.

11 Q. How much siltation would you have there,
12 sir?

13 A. It is quite uniform, the total dredging in
14 these three areas together would total something like
15 700,000 yards a year.

16 Q. And in terms of height what would that
17 represent? You see, we are dealing with ships.

18 A. It is variable. In the Annieville Channel
19 it shows up to 7 feet.

20 Q. That is the area marked 7?

21 A. In the elevator area it shows up to 14 feet
22 in depth.

23 Q. That is the area marked 6 on Exhibit 148?

24 A. Yes, and the Terminals approach area may
25 run 4 or 5 feet.

26 Q. And this silting occurs during the freshet
27 season?

28 A. Yes. It just goes up, say, 14 feet and
29 then stops.

30 Q. In front of the elevator?



1 A. Yes.

2 Q. And how long does it take you to clear the
3 channel?

4 A. We usually do this area by contract.

5 Q. Do you mean 6, 7 or 8?

6 A. 6, 7 and 8, and it would take about 8
7 weeks.

8 Q. Would traffic be able to continue in that
9 area whilst you were doing dredging?

10 A. Traffic does continue.

11 Q. And now, up above the Railway Bridge,
12 would you care to make any comment on silting and moving
13 of banks?

14 A. We don't dredge in Port Mann Channel. At
15 least, we have not since I have been in charge of the area.
16 At one time we did dredge there. We carried out one major
17 dredging job in Sapperton Channel, which is the channel
18 passing Fraser Mills.

19 Q. When did you carry out that job?

20 A. I think that was early 1962.

21 Q. What was the purpose of that job? Was it
22 maintenance dredging, or was it an improvement to the
23 channel?

24 A. This was an improvement to the channel to
25 deepen it to 27 feet.

26 Q. And above the Railway Bridge do you do any
27 maintenance dredging of any kind whatsoever?

28 A. We do, but it is beyond where the tidal
29 entrance occurs. We don't do any dredging of consequence
30 between New Westminster and Mission.



1 Q. Oh, I see. That is quite a ways up river?

2 A. That is right.

3 Q. Apart from this dredging, do you carry out
4 any surveys or soundings? Do you take soundings regularly?

5 A. Yes.

6 Q. At what intervals?

7 A. We sound the entire reach up to Port Mann
8 twice a year, and we sound the troublesome spots four or
9 five times a year.

10 Q. And do you keep a record of all these
11 soundings?

12 A. We do.

13 Q. Do you make these records available to
14 pilots and shipowners?

15 A. We send the pilots copies of all sounding
16 charts.

17 Q. And how soon after you have taken the
18 soundings do you send this?

19 A. Just as soon as they are available in
20 print.

21 Q. In weeks or months?

22 A. Well, I would say within a week after
23 sounding is normal.

24 Q. These documents are being forwarded to the
25 Pilotage Authority?

26 A. That is right.

27 Q. To the best of your knowledge where is the
28 limit of tidal influence in the river?

29 A. The limit of tidal influence is Sumas
30 River, which is about 60 miles from the mouth of the river.



1 Q. Do ships go up there?

2 A. No, they don't.

3 Q. I am given to understand that up to Mission
4 some ships may go there, but if they do they request you
5 to supply them with a plan of the river; is that correct?

6 A. Well, I don't know of any deep-sea ship
7 that has gone up to Mission. There is enough depth there
8 to accommodate large draught barges, but I can't recall
9 any deep-sea vessel going up.

10 MR. JACQUES: Thank you very much. Your
11 witness.

12

13 CROSS-EXAMINATION BY MR. LANGLOIS:

14 Q. Just a few questions, my lord. Mr.
15 Wallace, is there any silting during the winter due to
16 freshets caused by heavy rains?

17 A. Occasionally we find a shoal will show up
18 during the winter months. It has occurred.

19 Q. Do you take soundings during the winter
20 season?

21 A. Yes, we do.

22 Q. You mentioned that some of this dredging
23 is contracted to independent contractors. How many
24 contracts would you have going on at the same time, dredging
25 contracts?

26 A. Just one.

27 Q. Am I to understand that the remainder of
28 the dredging is done by P.W.D. equipment?

29 A. That is correct.

30



1 CROSS-EXAMINATION BY MR. LEGG:

2 Q. Mr. Wallace, I would first like to ask you
3 to confirm some information I have arising out of your
4 explanation to the Commission previously about the flow of
5 water in the Fraser River, and now thinking of the Fraser
6 at the old Fraser River Bridge. Is it so that during the
7 freshet the stream reaches a maximum velocity of $7\frac{1}{2}$ knots
8 or thereabouts, say, during the winter months?

9 A. In round figures that would be correct.

10 Q. And during winter flood tides, which you
11 referred to, is the reverse current approximately $1\frac{1}{2}$ knots?

12 A. I would like to consult this.

13 Q. Yes, please.

14 A. You are talking about flood tide now or
15 ebb tide?

16 Q. I am talking about a winter flood tide.

17 A. I would say that was it.

18 Q. And is the tidal range during a period
19 other than the freshet period approximately 5 to 6 feet at
20 the Fraser Bridge?

21 A. Yes, it is.

22 MR. LEGG: My lord, I would like to produce to
23 the witness Exhibit 13 to my client's brief, and my
24 instructions are that this is a plan of the bridge which
25 this witness can corroborate.

26 Q. Mr. Wallace, I am showing you a chart
27 which shows a profile view of the old Fraser River Bridge,
28 and also shows a plan view of the swing span, and the
29 various depths of the river.

30 Will you identify this plan?



1 A. Yes, I can.

2 Q. Would you please?

3 A. This is a plan of the soundings that was
4 carried out by a survey crew at Steveston.

5 Q. By your Department?

6 A. By our Department, yes.

7 Q. Does the plan view of the bridge accurately
8 set out a profile of the bridge and the river bed at that
9 point only?

10 A. Yes.

11 Q. I am sorry, I called that a plan view.
12 That is a cross-section view of the bridge. The plan view
13 is also an accurate description?

14 A. To the best of my knowledge, yes.

3 15 MR. LEGG: Can we have that marked as an
16 exhibit?

17 THE SECRETARY: It will be Exhibit No. 163.

18
19 --- EXHIBIT NO. 163: Plan showing soundings at old Fraser
20 River Bridge and Pattullo Bridge,
dated January 22nd, 1963.

21
22 MR. LEGG: My lord, may we follow the procedure
23 that was followed yesterday with Exhibit 157, and have a
24 copy already filed with the Commission marked as an
25 exhibit?

26 THE CHAIRMAN: Yes.

27 Q. Mr. Wallace, I want to show you Exhibit
28 157, which was put in evidence yesterday, and this is a
29 plan, or a chart, of the Sapperton and Port Mann Channels.
30 Can you identify this plan, or chart?



1 A. Yes, I can.

2 Q. Was it prepared by your Department?

3 A. It was.

4 Q. Does this chart show the depth of the
5 Sapperton Channel?

6 A. It shows it as it was at the time of the
7 soundings. The soundings are about a year-and-a-half old
8 now.

9 Q. This was made at a time before you did this
10 work of dredging in the Sapperton Channel?

11 A. That is correct.

12 Q. And do the shaded areas shown on this
13 chart depict the actual portion of the bed of the river
14 that was removed as a result of your dredging operations?

15 A. That is right.

16 Q. And these were done when?

17 A. I am not too sure if it was early 1962 or
18 late 1961.

19 Q. Can you tell the Commission how long that
20 dredging operation took, what size of work was it in terms
21 of a dredging program?

22 A. Generally, around 200,000 cubic yards,
23 somewhere in that vicinity.

24 Q. Did you supervise that?

25 A. Yes.

26 Q. As I understood your evidence previously,
27 this particular piece of dredging was to improve the
28 channel?

29 A. Yes.

30 Q. It was not to remove a deposit which had



1 occurred as a result of a freshet, that is particularly?

2 A. No, it was mainly improvement.

3 Q. Can you tell us, sir, what type of dredge
4 spoil was removed during that operation?

5 A. What the material was like?

6 Q. Yes, to indicate its source. For instance,
7 was it gravel or silt?

8 A. It was quite gravelly as I recall it.

9 Q. Would this indicate to you that there was
10 little silting due to freshet conditions in this channel?

11 A. It indicated to me that we had not dredged
12 there for a long, long time.

13 Q. Would the existence of gravel in the dredge
14 spoil not suggest to you that silting was not a particular
15 problem in this particular part of the Fraser River, the
16 Sapperton Channel?

17 A. Generally coarser material indicates a
18 more stable bed.

19 Q. And is there not at this Sapperton Dike a
20 structure which is put there to prevent silting?

21 A. Well, it is put there basically to divide
22 the flow, and provide enough water for both the Port Mann
23 Channel and the Sapperton Channel.

24 Q. This is to increase the flow at any rate
25 in the Sapperton Channel?

26 A. Well, I prefer to say that it prevents the
27 flow being broken up in this large expanse in the centre.

28 Q. What do you call that structure? Is it a
29 trifurcation?

30 A. No, that is just a training dike.



1 Q. But it is constructed to control silting?

2 A. It was, yes.

3 Q. Do you recall when it was constructed?

4 A. It is a good number of years ago.

5 Q. Has any study been made by your Department
6 as to its effectiveness?

7 A. Well, all I can say to that extent is that
8 we don't dredge these channels very often.

9 Q. Well, is this because, or at least partly
10 because there is no great problem due to silting up?

11 A. I would say generally that that is correct.

12 Q. What sort of a job would it be to increase
13 the depth of this Sapperton Channel from its present
14 dimension, which you indicated to be 27 feet, to a depth
15 of, say, 30 feet, given the men and the money, Mr. Wallace?

16 A. I don't think I could determine whether it
17 would maintain itself, or whether it would be a perennial
18 job of dredging, or what. I don't think I could say.

19 Q. Have you, or anyone in your Department,
20 made any soundings since the dredging work which was done
21 in 1961 in the Sapperton Channel?

22 A. Yes, we have.

23 Q. What have those soundings indicated?

24 A. Well, we have sounded it on a different
25 scale than this, but they indicate adequate depth.

26 Q. Do they indicate any particularly remark-
27 able silting?

28 A. No, they don't.

29 Q. How long, or how difficult a job would it
30 be to make a calculation of what is involved in increasing



1 the dredged depth to, say, 30 feet in the Sapperton Channel?

2 Is it capable of approximate calculation?

3 A. If you want it in round numbers, I can give
4 you that quickly, I think.

5 Q. Would you please?

6 A. Have you a ruler?

7 MR. JACQUES: Is that an accurate ruler?

8 MR. LEGG: I am handing the witness a ruler,
9 my lord, and I am asked whether it is an accurate ruler.

10

11 --- Short Recess

12

13

13 Q. Mr. Wallace, you were asked before the
14 adjournment to make a calculation of the size of job it
15 would be to increase the depth of this channel to approxi-
16 mately 30 feet. Have you been able to make an approximate
17 calculation?

18 A. Yes, I would say it would take between
19 300,000 and 500,000 cubic feet.

20 Q. How does that compare with the job that
21 was done in 1961 by your Department?

22 A. Well, in 1961, as I say, it was in the
23 vicinity of 200,000 cubic yards.

24 Q. Incidentally, the depth of the Sapperton
25 Channel is in many cases now approximately 30 feet, is it
26 not?

27 A. Yes.

28 Q. And have any soundings of yours indicated
29 that in areas where the depth is now 30 feet there has
30 been any noticeable sedimentation?



1 A. It is apparently very slow, based on
2 present depths.

3 Q. My instructions are that so far as this
4 wing dam or Sapperton Dike is concerned, this was
5 constructed some years ago to control the sedimentation?

6 A. Yes.

7 Q. Has there been any study to see how effec-
8 tive that has been? There is a model at the University
9 of British Columbia.

10 A. It no longer exists.

11 Q. Was there any study made of the effective-
12 ness of this wing dam by your Department working in
13 conjunction with the University of British Columbia?

14 A. No, just by deduction, the fact that we
15 haven't dredged it. These three structures have created
16 a situation which causes us no particular worries as far
17 as dredging is concerned.

18 Q. The problem of keeping the Sapperton
19 Channel dredged to a depth of 30 feet is not a large one?

20 A. I can't say. You can have a certain
21 depth established, and if you try to exceed that depth by
22 over-dredging it doesn't necessarily follow it will main-
23 tain itself. It might be a lot tougher to maintain it at
24 3 feet than to dredge it to 27 feet.

25 Q. But there is no indication of the problem
26 of sedimentation where the depth is approximately 30 feet?

27 A. That is true. But it doesn't necessarily
28 follow where you deepen the whole cut, your whole flow is
29 altered then.

30 Q. What time element would be involved in



1 taking out 300,000 or 500,000 cubic yards?

2 A. I would say four months, three or four
3 months.

4 Q. Could an annual dredging program be carried
5 on in the Sapperton Channel?

6 A. I couldn't say of what magnitude, but it
7 could be done.

8 Q. But certainly an annual dredging program
9 hasn't been carried out during your tenure of office?

10 A. No.

11 Q. I would like to turn now to a more special
12 aspect of dredging, and this has reference to a direction,
13 according to my instructions, from your Department in
14 Ottawa indicating to private berth owners that they have
15 a certain responsibility as to dredging. Do you recall
16 that policy?

17 A. This is an area I am not really too quali-
18 fied to speak on.

19 Q. Is there anyone from your Department who
20 is better qualified?

21 A. It is a policy that is decided at head-
22 quarters, and we merely carry out our assignments as they
23 come.

24 Q. Have you any knowledge of when this policy
25 originated?

26 A. We have had a share basis for a number of
27 years, at Pacific Coast Terminals, Fraser Mills and at the
28 grain elevator.

29 Q. Is it not so that at Fraser Mills the
30 company which owns the berth, Crown Zellerbach, is now



1 required to dredge or has responsibility for dredging in
2 an area outside the property it owns?

3 A. What do you mean by that, the property it
4 owns?

5 Q. My instructions are that it is now the
6 company's responsibility to pay the cost of dredging of
7 the berthing area in an area parallel to the dock 90 feet
8 in width.

9 A. This is an area which is adopted, that
10 the 90-foot strip is chargeable to the owner.

11 Q. This is outside the area which is owned
12 by the company; it is in the public domain, in other words?

13 A. It could be.

14 Q. Have you any idea when that policy origi-
15 nated?

16 A. I would imagine they would have it at our
17 headquarters, because it originated there.

18 Q. You don't have it in your Vancouver office?

19 A. No, I don't think we could give you an
20 exact date.

21 MR. LEGG: I don't know, my lord, how this
22 instruction could be carried out, but could the Department
23 be instructed to advise the Commission when this policy
24 originated and the reasons for the policy?

25 THE CHAIRMAN: The Commission counsel is going
26 to look into the matter and, if at all possible, he will
27 get it. He will tell you, anyway.

28 Q. I am instructed further, Mr. Wallace, just
29 along the lines of my last question, that the approaches
30 to this berthing area which is again outside the area



1 owned by the company are also the responsibility of this
2 company in that they must pay 50% of the dredging cost,
3 keeping those approaches clear.

4 A. Let's put it this way, that I would
5 probably interpret our present rulings along these lines,
6 but I can't recall any occasion when they have paid 50%.
7 I don't know about berthing being in that category.

8 Q. But there is a directive in your Depart-
9 ment's files in Vancouver on that subject?

10 A. This business of approach dredging is
11 supposed to be something that is taken up on an individual
12 basis and decided on according to the specific problems
13 encountered. I don't think there is any one ruling.

14 Q. Is there a ruling insofar as Fraser Mills
15 is concerned?

16 A. I don't know if we have a final ruling or
17 not. I don't think we have.

18 MR. LEGG: My lord, may the witness be asked to
19 ascertain from his files just what the position is?

20 THE CHAIRMAN: May I ask you to what extent it
21 is in our terms of reference?

22 MR. LEGG: My submission is that one cannot
23 look at the railway bridge in isolation. It offers navi-
24 gational handicap to those who are engaged in the business
25 of shipping and whose livelihood depends on shipping, and
26 it is collateral to it.

27 THE CHAIRMAN: All right, if it is at all
28 possible.

29 THE WITNESS: As far as I am concerned, I don't
30 think you will get the answer locally.



1 Q. At least an inquiry could be made to find
2 out if there is an answer locally.

3 A. I am quite sure there isn't an answer
4 locally.

5 MR. LEGG: Possibly I could cover it with
6 Commission counsel, my lord.

7 THE CHAIRMAN: Yes.

8 Q. I would just like to have you confirm
9 some further information regarding the river conditions,
10 Mr. Wallace.

11 You mentioned some sediment figures. Now, my
12 instructions are, and we have made a submission to the
13 Commission in these terms, that the "Discharge of water
14 into the Fraser River below Hope, B.C., is estimated to
15 average 29,000 cubic feet per second." Could you confirm
2 16 that figure?

17 A. I would say that is incorrect.

18 Q. What would you say would be the correct
19 figure?

20 A. As I said, that is an extremely low figure.
21 That is a condition you get in the winter months. In the
22 summer months you get discharge up to 500,000. I would
23 say the average would be closer to 250,000, 200,000 anyway.

24 Q. In the winter months it might drop to as
25 low as 29,000?

26 A. That is correct.

27 Q. Have you made any estimate as to what
28 cubic yardage of sediment is discharged by the river each
29 year?

30 A. Well, it is a subject of much controversy.



1 But generally we feel somewhere in the neighbourhood, in
2 round figures, of 15,000,000 to 25,000,000 cubic yards
3 per year.

4 Q. 15,000,000 low figure and 25,000,000 high
5 figure, cubic yards?

6 A. Yes.

7 Q. What amount of dredging on the Fraser
8 River does the Department do annually?

9 A. Including contract work?

10 Q. Including work of all kinds, all kinds of
11 dredging.

12 A. I would say it would be slightly over
13 3,000,000 cubic yards per year.

14 Q. Now, I want to change to another subject
15 regarding the history of the Fraser River Bridge. Are
16 you familiar with the recommendation contained in Privy
17 Council Order P.C. 153? I show you this document, which
18 is a certified copy. Are you familiar with the contents
19 of that document? It relates to the occasion when the
20 Pattullo Bridge was being built or about to be built.

21 A. No, I don't think I have ever seen this
22 document.

23 THE CHAIRMAN: You are referring there to
24 Exhibit 6 to the brief of Crown Zellerbach?

25 MR. LEGG: Yes. I have a certified copy of
26 this order, and I intend to file it as an exhibit.

27 MR. JACQUES: May the Crown Zellerbach company
28 brief be filed immediately in order to keep the record
29 clear?

30 THE CHAIRMAN: That is all right.



1 MR. LEGG: Very well, my lord.

2 MR. JACQUES: As Exhibit No. --?

3 THE SECRETARY: Exhibit No. 164.

4 THE CHAIRMAN: We might as well right now file
5 all the other briefs.

6 MR. JACQUES: I would suggest No. 165 for the
7 Harbour Commissioners.

8 MR. LEGG: May I suggest that this P.C. Order
9 153 be marked as Exhibit 164A? It is a part of Exhibit
10 164. It is a document which speaks for itself, in the
11 sense that it doesn't have to be proved.

12 THE CHAIRMAN: 164 for the P.C. Order and 165
13 for the brief, the Crown Zellerbach brief.

14 MR. JACQUES: And might the New Westminster
15 Harbour Commissioners' brief be filed as Exhibit 166; the
16 Pacific Coast Terminals Company Limited brief as Exhibit
17 167; the Vancouver Chamber of Shipping brief as 168; the
18 Pilots' brief as 169?

19 THE SECRETARY: Presumably these are filed by
20 the counsel representing the various parties?

21 MR. JACQUES: Yes.

22
23 --- EXHIBIT NO. 164: Privy Council Order P.C. 153
(certified copy).

24 --- EXHIBIT NO. 165: Brief of Crown Zellerbach Building
25 Materials Limited.

26 --- EXHIBIT NO. 166: Brief of New Westminster Harbour
Commissioners.

27 --- EXHIBIT NO. 167: Brief of Pacific Coast Terminals
28 Company Limited.

29 --- EXHIBIT NO. 168: Brief of Vancouver Chamber of
30 Shipping.



1 --- EXHIBIT NO. 169: Brief of Pilots of the Pilotage
2 District of New Westminster (Fraser
3 River)

4 Q. Now, in regard to the history of the Fraser
5 River Bridge, Mr. Wallace, I understand it has been
6 maintained by your Department since 1936?

7 A. I think it was 1939.

8 Q. 1939?

9 A. Yes.

10 Q. Is your Department responsible for its
11 maintenance and upkeep?

12 A. Yes, it is.

13 Q. Are you aware of whether the Department
14 has made any study to implement recommendations contained
15 in P.C. 153, and I have in mind a recommendation to widen
16 the width of the entrance to the bridge to 350 feet and to
17 convert the swing span into a lift span?

18 A. I have no personal knowledge.

19 Q. Have you, in the course of your duties,
20 obtained any knowledge of any investigations your Depart-
21 ment has made?

22 A. I am not aware of any investigation that
23 has been carried out. I know the subject has come up.

24 COMMISSIONER SMITH: Do you mind me interrupting
25 here to ask a question?

26 MR. LEGG: No, sir.

27 COMMISSIONER SMITH: I understand the distance
28 or the spread or the width of the gap between the two
29 piers is 375 feet.

30 THE WITNESS: Approximately. The span itself



1 is 380.

2 COMMISSIONER SMITH: My question is this:
3 would there be any difficulty on account of that width to
4 make a lift span there in that bridge, because of the
5 width of 375 feet?

6 THE WITNESS: I am not a structural engineer,
7 but I would hazard a guess that it could be done. But it
8 would be expensive.

9 COMMISSIONER SMITH: It could be done?

10 THE WITNESS: I would think so. But I am not a
11 structural engineer.

12 COMMISSIONER SMITH: There are other places
13 where it has been done.

14 THE WITNESS: I know it is a wide span for a
15 lift span for railway traffic.

16 Q. Are you familiar with the Second Narrows
17 Bridge?

18 A. Just casually.

19 Q. You have never studied it from an
20 engineering point of view?

21 A. It is an old bridge.

22 Q. It is the Second Narrows old bridge, the
23 railway bridge, shown as Exhibit No. 8 in Crown Zeller-
24 bach's brief, which has been filed as Exhibit 165. This
25 is a lift-span bridge, is it not?

26 A. Yes.

27 Q. And my instructions are that it has a
28 horizontal clearance of 260 feet. From your point of view,
29 is there anything to prevent the present structure of the
30 Fraser River Bridge being constructed into a bridge of that



1 kind, that is a lift-span bridge, with a dimension of that
2 type?

3 A. I don't think I could answer that.

4 Q. Do I understand you correctly that insofar
5 as you are concerned, at any rate, the Department has
6 never considered this conversion of the bridge?

7 A. I don't think it has ever been considered
8 in an engineering sense, no.

9 Q. No engineering study has been made along
10 these lines?

11 A. Not that I am aware of.

12 Q. Does your Department keep any figures
13 referring to the expense of maintaining this bridge on an
14 annual basis?

15 A. Yes, I imagine our headquarters in Ottawa
16 would. We wouldn't.

17 Q. You just carry out the work, I take it,
18 and the financing of it or the records of accounts are
19 kept in Ottawa?

20 A. That is correct.

21 Q. Have you any familiarity with the references
22 in the public accounts to a trust fund which is maintained
23 for this bridge?

24 A. I know that there is a trust fund, yes.

25 Q. Have you any knowledge as to how that trust
26 fund came into existence and how it is administered?

27 A. I don't know how it is administered. This
28 is all done in Ottawa, and we just don't get that informa-
29 tion.

30 MR. LEGG: My lord, it may be convenient at this



1 time for me to file as exhibits extracts from the Public
2 Accounts of Canada for the fiscal year ending March 31st,
3 1962. I only have the photo copies of the pages, but the
4 first extract, which is page 31.65, speaks of the opera-
5 ting expenses of the New Westminster Bridge being
6 recoverable from the trust account which is credited with
7 income from the operation of the bridge, and the figure
8 for that year is given as \$201,310, showing that figure
9 as an estimate, an allotment, and an expenditure of
10 \$89,366. Further, in the same public accounts, 1961 to
11 1962, at page 145, there is a reference to Fraser River
12 Bridge maintenance, an item for 1962 of \$548,111. The
13 item for 1961 is \$391,397; and the net increase shown, of
14 course, is the figure of \$156,714.

15 I file these at this time for the sake of
16 continuity, my lord, and would ask the Commission to
17 consider an examination of the appropriate officials in
18 Ottawa as to how that trust fund was established, what
19 the policy is and its buildup and what its policy is on
20 expenditure.

21 THE CHAIRMAN: Thank you. That is Exhibit 170.

22
23 --- EXHIBIT NO. 170: Extracts (two pages) of Public
24 Accounts of Canada, 1961 and 1962.

25 Q. Can you tell us, Mr. Wallace, from any
26 knowledge you have, whether this trust fund is maintained
27 for the purpose of renovating the bridge and possibly
28 carrying out improvements that were suggested in 1936?

29 A. I can't say.
30



1 Q. Is there anyone from your Department who
2 could give us that? For instance, Mr. Walkey, your
3 superior, or is this a question that must be answered in
4 Ottawa?

5 A. I think it must be answered in Ottawa.

6 Q. For the guidance of the Commission, would
7 you be able to suggest who, in your Department, might be
8 able to answer this question?

9 A. I presume our Legal Services Division.

10 Q. You can't suggest any official's name?

11 A. No.

12 MR. LEGG: No further questions.

13 COMMISSIONER SMITH: If your lordship pleases,
14 I would like to ask one question.

15 I would like to get clear in my own mind the
16 local policy with regard to dredging in your district.
17 As I understand the general policy, the Department of
18 Public Works dredges in the main channels, in the public
19 channels, and all dredging to private installations,
20 private berths is a matter of obligation. Is that policy
21 followed in your district?

22 THE WITNESS: Yes, generally. The approach
23 dredging you mentioned is something that is a sort of no-
24 man's land between the channel and the owner's berth.

25 COMMISSIONER SMITH: It could be part public
26 and part private?

27 THE WITNESS: Yes, it could be part public and
28 part private.

29 MR. HUNTER: I have no questions, my lord, but
30 I would like to put in some maps.



1 RE-CROSS-EXAMINATION BY MR. LANGLOIS:

2 Q. Mr. Wallace, does your Department, or
3 your branch of your Department to which you belong, operate
4 water level gauges on the Fraser River?

5 A. We put gauges in to assist us in our
6 soundings, yes.

7 Q. How many of them?

8 A. I couldn't say exactly. Perhaps ten. I
9 don't know the exact number.

10 Q. Are these gauges read every day?

11 A. No, they are not.

12 Q. Could you tell the Commission what changes
13 you have discovered from reading these water gauges in the
14 level of the river?

15 A. Well, I don't quite follow the question.
16 But there is a tidal influence felt at New Westminster,
17 so there is tidal fluctuation at all times.

18 Q. Let me put it this way: is the level of
19 the river pretty constant?

20 A. No.

21 Q. Are the changes abrupt changes, or --?

22 A. Well, it depends on the amount of tide in
23 that particular cycle. You could have change of 12 feet
24 at the mouth over a period of six hours.

25 Q. You are speaking of the range of the tide.
26 That is not what I have in mind. I have in mind the level
27 of the river at comparable tide ---

28 I wanted to know, for example, if the level of
29 the river, say, at low tide is constant or not?

30 THE CHAIRMAN: Would it be better if you said



1 mean point?

2 MR. LANGLOIS: I am starting at low water up,
3 my lord.

4 THE CHAIRMAN: Yes, but you have some tides not
5 as low as others. You have a mean point there.

6 Q. Let us say at the neap tides?

7 A. I think, if I am reading you correctly,
8 you are interested in what we call the low water slope.

9 Q. That is right.

10 A. Which is the datum which we use for our
11 soundings, and it refers to the lowest water encountered
12 in a certain section of the river in the winter months,
13 and it is an arbitrary datum which we set, which varies
14 from nothing at the mouth to 6 or 7 feet in the New West-
15 minster area. In other words, dead low stages in the
16 wintertime, with a zero tide, the lowest reading at any
17 particular point would be what we call the low water
18 reading, and this would give us approximately a 6-foot to
19 7-foot slope from New Westminster to the mouth.

20 Q. Is this slope pretty constant? Does it
21 vary with periods of the year?

22 A. Oh, yes.

23 Q. By how much you can't say?

24 A. No. It is used as a yardstick, and repre-
25 sents the worst case as far as depths are concerned.

26 Q. Are these readings of your water gauges
27 passed along to either the Pilotage Authority, or the
28 Harbour Board of New Westminster?

29 A. No; as I say, there are an infinite number
30 of readings on each gauge in each day, so there is no



1 point in reading these gauges.

2 Q. Is it to your knowledge that the ranges
3 of the tide, as forecast in the tide tables, are exactly
4 what you obtain in this river?

5 A. Well, personally I wouldn't know, because
6 I don't really deal with the tide tables too often.

7 Q. Do you have in front of you there Exhibit
8 163, which is the plan of the Department of Public Works
9 of Canada of the Railway Bridge?

10 A. Yes, I have it.

11 Q. Taking the starboard hand side of the
12 bridge, going up river, you have a distance between the
13 swing span and the pier as being 170 feet. Would you mind
14 telling the Commission what would be this width at water
15 level? Look at your plan. I understand that you have a
16 rule there?

17 A. At what particular water level?

18 Q. Say, at local low water level.

19 A. Well, the clearance is pretty close to
20 170.

21 Q. 170. Well, the 170, you are taking it
22 from the upper part of the pier. This part underneath,
23 which is wider, should give a width which will be less?

24 A. Well, I gave you the local low water level.

25 Q. Now, take it to the lowest - I don't know
26 in feet what that would represent, but let's take the
27 underneath, this wider part of the pier, and estimate
28 roughly some 10 feet below the local low water.

29 A. Now, you cut the width down to about 167,
30 if you do that.



1 MR. LANGLOIS: Here, my lord, I wish to ask the
2 Commission to note that the depth of water close to that
3 pier given at local low water is, immediately close to
4 the pier, 10 feet, and then it goes to 15 feet, and then
5 to 23 feet, and I wish to remark at this time that a ship
6 with a draught of 24 feet would not be able to get close
7 to that pier without grounding.

8 THE CHAIRMAN: At low tide.

9 MR. LANGLOIS: At low tide, and I understand
10 that the range of the tide there is only 6 feet, so that
11 width there of 170 does not mean that it is the width
12 that is available to ships going through this narrow
13 passage.

14 Q. Now, Mr. Wallace, taking the other side
15 of the swing span you have a measurement there of 171.5
16 feet, and this measurement again is taken at local low
17 water level; is that right?

18 A. Yes, it is.

19 Q. What would be the width, taking into
20 account the wider part of the pier below that low water
21 level?

22 A. It would be about 166.

23 MR. LANGLOIS: 166. Thank you.

24 THE CHAIRMAN: Are you finished with the
25 witness?

26 MR. HUNTER: Well, I wish to present some other
27 charts now.

28
29 CROSS-EXAMINATION BY MR. HUNTER:

30 Q. Mr. Wallace, I show you a prototype float



1 study dated June 21st, 1955, which indicates the speed of
2 the current. Have you the original of that in your
3 possession, or the tracings?

4 A. Yes, we do.

5 Q. And I show you another one, dated February
6 10th, 1955. Have you a copy or the original of that?

7 A. Yes, we do.

8 MR. HUNTER: My lord, I would like to have these
9 entered as exhibits.

10 THE SECRETARY: In bundle, No. 171.

11
12 --- EXHIBIT NO. 171: Prototype float studies showing the
13 speed of the current, dated
14 February 10th, 1955, and June 21st,
15 1955.

16 Q. Now, I will deal firstly with the one of
17 June 21st, 1955. What does that indicate, that plan, Mr.
18 Wallace?

19 A. Well, it is a study of, first of all, the
20 current pattern and the current velocities in various
21 sections of the river from the Sapperton Channel and the
22 Port Mann Channel down to the elevator.

23 Q. How is the speed of the current expressed
24 there?

25 A. In feet per second.

26 Q. Could you convert that into knots? I
27 wonder firstly if you could mark the bridge in there,
28 roughly where the Railway Bridge is?

29 A. I believe it is Range 78.

30 Q. Would you mark it right across the channel,



1 and just write "bridge" at the bottom?

2 (Witness complies)

3 Q. What is the velocity at the bridge?

4 A. Well, it varies according to the different
5 lines it would run. It shows on one line that the surface
6 float was running at about $4\frac{1}{2}$ feet per second. Another
7 float at 10 feet deep was running at 6.9 feet per second,
8 and another one, at 15 feet, was running at 7.3 feet per
9 second. Another one, at the surface, was running at about
10 7.3.

11 Q. Would it be very difficult to convert that
12 into knots?

13 A. I would have to find the number of feet
14 per hour and multiply the figure by 3,600, and to convert
15 that to nautical miles per hour you would have to divide
16 by 6,080 feet.

17 Q. Could you figure that out?

18 A. Well, it is roughly 36 over 60, times
19 whatever figure.

20 Q. Which would be roughly what?

21 A. Three-fifths.

22 Q. Three-fifths of that there?

23 A. Yes.

24 Q. Which would then, in this particular case,
25 where you have got a speed of 3.6, it would be three-fifths
26 of that?

27 A. Yes, roughly.

28 Q. So that we can say for any of the figures
29 given that three-fifths would give the knots per hour?

30 A. Yes.



1 Q. This one was taken in June. Would that
2 be during the time of the freshet?

3 A. Yes, the discharge was close to 300,000,
4 and I would say it would be in the freshet period.

5 Q. Yes, now I show you the other part of
6 this exhibit, the chart dated February 10th, 1955. Would
7 that be in the normal season?

8 A. This would be in the winter, in a period
9 of extremely low flow.

10 Q. Could you mark the bridge on there, too,
11 please?

12 (Witness complies)

13 Q. And that also indicates the speed per
14 second?

15 A. Yes, it does.

16 Q. Is there some difference between them?

17 A. Well, the range there right at the bridge
18 would be about 1.5 to 3.5 feet per second.

19 Q. More or less in the same area would there
20 be considerable decrease in speed in the normal season?

21 A. Yes, I would say generally so. The
22 freshet period would be up to three times as fast.

23 Q. As the normal period?

24 A. Yes.

25 Q. I show you a chart of float tests made on
26 July 12th, 1954. Do you have the originals of those, or
27 are these records in your Department also?

28 A. Yes, we do.

29 MR. HUNTER: Could I enter these as an exhibit,
30 please?



1 --- EXHIBIT NO. 172: Chart showing float tests made
2 July 12th, 1954.

3 Q. What does this chart indicate?

4 A. Well, I will interpret what I think was
5 done. It shows generally a trace in a similar manner to
6 the ones we were just discussing. It shows a trace of
7 floats as they passed through the bridge.

8 Q. From where?

9 A. From the Port Mann Channel.

10 Q. And what do the tracings of the paths
11 show?

12 A. Well, these slopes, once again, were set
13 at varying depths from the surface, down to - it looks
14 like 25 feet, and it shows the general pattern of the
15 trace of these objects as they passed through.

16 Q. And does this trace indicate a fairly
17 straight flow, or are there a lot of cross currents?

18 A. Well, I would say for the particular time
19 that this was done it certainly indicates a fairly
20 straight flow.

21 Q. When was that done?

22 A. July 12th, 1954.

23 Q. Can you indicate when that was done, at
24 flood tide or ebb tide?

25 A. No, I can't. I don't think we would have
26 the records of that.

27 Q. It shows here the Mission gauge at July
28 12th. Would that be of any assistance at all?

29 A. It shows gauge reading 19.3, which is a
30



1 fairly high rate of pressure. This shows you the river
2 elevation at Mission. It does not tell you what tide
3 level these floats were taken at.

4 Q. This would be a tide that is flowing out,
5 would it not, with that level at Mission?

6 A. I would say it definitely would, yes.

7 Q. There was just one question arising out of
8 my learned friend, Mr. Langlois', evidence in this
9 sectional map of the river, or the bridge, Exhibit No. 163.
10 It was taken at low water. Now, do you know, from your
11 knowledge, whether the ships transit through the bridge at
12 low water?

13 A. No, I don't.

14
15 RE-CROSS-EXAMINATION BY MR. LANGLOIS:

16 Q. At what stage of the tide were these
17 tests carried out, do you know?

18 A. You couldn't say.

19 Q. Is it not a fact that the direction and
20 velocity of the current would change with the tide?

21 A. It would, but with a gauge reading at
22 Mission of 19.3, the predominant currents are brought
23 about by the fresh water discharge, which in this case, I
24 don't know what the fresh water discharge was for this
25 particular day, but I imagine it was fairly high.

26 Q. How do you explain that on Exhibit 172
27 there is no float test on the porthand side of the swing
28 span pier?

29 A. What was the question again?

30 Q. Why there is no indication of the direction



1 of the current on the porthand side of the swing span pier?

2 A. I can't say why.

3 Q. You don't know why?

4 A. No.

5 Q. Is it not a fact, Mr. Wallace, that the
6 currents coming down and hitting the upper end of the
7 swing span protection pier will have a tendency of
8 creating cross currents?

9 A. I don't know.

10 Q. You don't know?

11 A. No.

12

13 RE-DIRECT EXAMINATION BY MR. JACQUES:

14 Q. Mr. Wallace, I show you Exhibit 148, which
15 is a navigational chart, and we can see Sapperton Island,
16 I believe it is called, south of Sapperton Channel?

17 A. No, I call it City Bank.

18 Q. Well, let's call it City Bank. I see it
19 is indicated as City Bank on the chart.

20 Were the float tests made when City Bank was
21 approximately the size indicated on the chart, Exhibit
22 148?

23 A. I really couldn't tell you as to that.

24 Q. How long has City Bank been in existence
25 as far as you know?

26 A. I don't really know. It is at least 15,
27 20 years.

28 THE CHAIRMAN: Are there any further questions
29 of the witness?

30 (The witness withdraws)



1 MR. JACQUES: We might adjourn at this point,
2 my lord.

3 THE CHAIRMAN: We will adjourn until 2.15, if
4 I may say so, sharp.

5

6

7 --- At 12.30 p.m. the hearing was adjourned until 2.15 p.m.

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dpw 1 --- On resuming at 2.15 p.m.

2 MR. JACQUES: Captain Gilley, please

3

4 HAROLD LEE GILLEY, sworn

5 THE SECRETARY: What is your name?

6 THE WITNESS: Harold Lee Gilley.

7 THE SECRETARY: And your address?

8 THE WITNESS: 411 Second Street, New West-
9 minster.

10 THE SECRETARY: And your present occupation,
11 Mr. Gilley?

12 THE WITNESS: Pilot on the Fraser River.

13

14 DIRECT EXAMINATION BY MR. JACQUES:

15 Q. You are a pilot on the Fraser River?

16 A. That is correct.

17 Q. How long have you been in that job, sir?

18 A. 30 years less a week.

19 Q. So if we had come a little later we would
20 have celebrated your anniversary?

21 A. Yes.

22 Q. Now, what qualifications do you have as a
23 mariner apart from being a pilot?

24 A. A tugboat master's certificate of competency
25 issued in 1922.

26 Q. In 1922?

27 A. I believe that is correct.

28 Q. And how long have you been going to sea
29 before becoming a pilot?

30 A. I started in 1919. 1919 to 1933 is 14



1 years. I may add that I never went to sea. I have been
2 coasting only.

3 Q. Coasting?

4 A. That is correct.

5 Q. On what type of vessels did you serve?

6 A. Primarily on tugboats on the coast and
7 coasting from Vancouver to San Francisco, with the Kings-
8 ley Navigation Company for a period of three months.

9 Q. What types of ships were they going down
10 to the U.S.?

11 A. The "E.D. Kingsley" was a coaster. I
12 would imagine she was 300 feet long. I can't give you
13 the tonnage.

14 Q. Were you ever in command of any vessel?

15 A. None other than a tugboat.

16 Q. What would be the approximate tonnage of
17 the tugboats on which you have been master?

18 A. Gross or net?

19 Q. Any one will do.

20 A. Well, the net varies, as you know. Some
21 of them are nil tonnage.

22 Q. It is just an idea of the types of ships
23 of which you have been master.

24 A. I might say 50 tons.

25 Q. And in those days were they large tugs or
26 medium tugs?

27 A. Medium tugs..

28 Q. So I take it you are quite familiar with
29 the coast and the work of the pilots?

30 A. Within the Fraser River district and its



1 confines and coastal waters adjacent to the Fraser River.

2 Q. Would you briefly describe the pilotage
3 district?

4 A. It is a district which covers a good many
5 miles, of which only possibly 23 are navigable as far as
6 deep water is concerned, from the Sand Heads to Port Mann.
7 We haven't had any ships east of Port Mann.

8 Q. And referring to Exhibit 148, would you
9 indicate to me where Port Mann is?

10 A. It is this area here.

11 Q. It is indicated on Exhibit 148, Port Mann?

12 A. That is correct.

13 Q. How many miles did you say it was from
14 Sand Heads to Port Mann?

15 A. Approximately 23. Our district does
16 extend well beyond Port Mann for a distance of 80 miles,
17 but there are only small craft are able to navigate these
18 waters.

19 Q. And do these small craft ever take pilots?

20 A. They have been known to take pilots, yes.
21 In the flood period in 1948 the navy was called in to
22 assist those marooned on the upper reaches of the river,
23 farmlands, and they had several small navy craft come up
24 there.

25 Q. Apart from this particular incident, do
26 merchant ships take pilots?

27 A. As far as Port Mann.

28 Q. But beyond Port Mann?

29 A. No. If they wanted to go up there they
30 would have a pilot, but there has never been occasion for



1 them to go beyond Port Mann at the present time.

2 Q. What types of ships would go up beyond
3 Port Mann?

4 A. Well, they would be a medium draught type
5 of ship, because four miles east of Port Mann there is a
6 shoal in there which only permits a draught of four feet.

7 Q. And that would be the maximum draught?

8 A. Yes, as far as going up to Port Mann.

9 Q. Have you ever taken ships beyond Port Mann?

10 A. Not as a pilot.

11 Q. How often, to your knowledge, in the past
12 five years, have any ships been taken up by pilots beyond
13 Port Mann?

14 A. None.

15 Q. So might we say that to all intents and
16 purposes the waters in which you work lie between Fraser
17 River and Sand Heads and Port Mann?

18 A. That is correct.

19 Q. Would you indicate - and you may refer to
20 Exhibits 147 and 148 - the ports or anchorages to which
21 you take vessels between Sand Heads and Port Mann?

22 A. The anchorage to which we take vessels?

23 Q. Yes, ports or anchorages.

24 A. Well, coming up river - we may as well
25 start at the bottom - the first deep water berth coming
26 upstream from the Sand Heads is the Canada Rice Mills,
27 which is located about 10 miles southwest of this point.

28 Q. And is it shown on Exhibit 147?

29 A. Yes, it should be shown. It is right
30 there, Canada Rice Mills.



1 Q. What is the next place up river?

2 A. The next deep water berth would be Dow
3 Chemical, which is on the south side of Tilbury Island,
4 at this point.

5 Q. And still shown on Exhibit 147?

6 A. Yes, sir. The next one would be across
7 the river a little further to the eastward, the Lafarge
8 Cement Company. That is not shown on this one. That
9 would be it there.

10 Q. Since it is not indicated on the map, on
11 the chart, would you circle it in blue and write "LaFarge"
12 on Exhibit 148, please?

13 A. Yes.

14 Q. What would be the next one?

15 A. Further to the east, the next point, deep
16 water berth, would be on the south shore here. It is
17 located a distance of about a mile below New Westminster.

18 Q. It is shown also on Exhibit 148?

19 A. Yes.

20 Q. What would be the next berth or conglomerate
21 tion of berths?

22 A. The next would be in the harbour proper.
23 There you have many berths.

24 Q. To which harbour do you refer?

25 A. New Westminster, located here.

26 Q. Then what would be the next one?

27 A. The next berth would be on the east side
28 above the New Westminster Railway Bridge, Gypsum Lime &
29 Alabastine Company, which is located here.

30 Q. Indicated by the Canadian Gypsum Company?



1 A. Yes.

2 Q. And the next one?

3 A. The next one would be immediately across
4 the river on the north bank, Fraser Mills, as we know it,
5 or Crown Zellerbach.

6 Q. What about Port Mann?

7 A. There is nothing for deep water ships to
8 go up there for. We bring our ships from Fraser Mills up
9 to the terminal. There is a turning basin we use at the
10 east end of the Sapperton Dike.

11 Q. Are there any anchorages up river, any-
12 where in the area between Sand Heads and Port Mann?

13 A. Yes, there are many anchorage pools. But
14 we have anchorages on every reach of the river. The
15 anchorage pools, as you may call them, as they are known,
16 the first one would be located two miles west of the
17 Canada Rice Mills where there is an open stretch of water
18 with fairly good depth up to each bank.

19 The next one would be located at Tilbury Ranges.

20 Q. Indicated on this Exhibit 148?

21 A. Yes. That is another anchorage pool at
22 the intersection of the range lights there.

23 Q. To which range lights do you refer?

24 A. Tilbury range lights 1 and 2.

25 The next one would be half-a-mile below the
26 elevator. There is a fair anchorage pool right there.
27 And east of that anchorage pool below the elevator - well,
28 we have anchored ships in this reach going up to New West-
29 minster.

30 Q. What would be the name of that reach?



1 A. Annieville Channel. We have anchored
2 ships there, but the pilot must remain ~~at anchor~~ ~~and~~ ~~live~~
3 his supervision all the time. There is no swinging room
4 there.

5 Another anchorage, too, I would imagine, would
6 be just east of the Sapperton Dike in the area of Port
7 Mann; but we don't anchor ships there, we don't make a
8 practice of it. It is only in case of engine failure.
9 If you can get the ship in proper position there is room
10 enough to swing the ship there in full tide.

11 Q. What is the purpose of these anchorage
12 pools?

13 A. In thick weather we often, with a deep
14 draught ship, have to try to carry on to reach these
15 anchorage pools because we know that the ship will be in
16 a good depth of water, and for only a mile or two we try
17 to find a way to these anchorage pools, knowing that the
18 ship will be safe. Although we do remain on board and
19 give the ship constant attention.

20 Q. Are they used by vessels awaiting their
21 turn at any berths or awaiting favourable tide?

22 A. Yes. The anchorage pool immediately west
23 of the elevator is used by ships waiting for a berth at
24 New Westminster. The pool at Tilbury has been known to be
25 used for that purpose, but not in latter years.

26 Q. So apart from these two pools that you
27 have mentioned, would it be fair to say that the other
28 anchorages are only used in case of an emergency, as it
29 were?

30 A. That is correct.



1 Q. Now, sir, I should like you to describe
2 your work as a pilot, taking a ship in. How would you
3 leave, when do you leave and where would you go?

4 A. We would get notification from our dis-
5 patcher at our office here in New Westminster which we
6 call the pilots' station. We might happen to be in the
7 office at the time or we might be at home. Anyhow, the
8 dispatcher knows where we can be located. He gives us
9 the time of arrival of the ship at Sand Heads, through
10 notification by the agents or the shipping company and we
11 work out our time from there.

12 The ordinary method of transportation to
13 Steveston, which is our mooring station for the pilot boat
14 - a distance of 20 miles from here - the ordinary method
15 of transportation is not very good, so nine times out of
16 ten we are not left enough time to get down there by that
17 means. So we take a taxi, which is 35 or 45 minutes' run
18 from our station here in New Westminster, and there we join
19 the pilot boat and proceed five miles to the mouth of the
20 river.

21 Q. Would you indicate on Exhibit 147 the
22 boarding station off Sand Heads?

23 A. The boarding station off Sand Heads is a
24 mile seaward of the lighthouse. I haven't got a scale.
25 But it is approximately a mile.

26 Q. Would you like a pair of dividers? Would
27 you indicate it by the letter A, please?

28 A. Yes.

29 Q. And this is the boarding station indicated
30 on Exhibit 147?



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1 A. A mile or two miles seaward of the light-
2 house.

3 Q. How would you get to that boarding station?

4 A. On the pilot launch which we join at
5 Steveston. We allow ourselves an hour to do the $5\frac{1}{2}$ miles
6 from the mooring station at Steveston to the boarding
7 station at Sand Heads.

8 Q. You said one hour?

9 A. We allow ourselves an hour. It doesn't
10 take too long.

11 Q. So it is 35 minutes to Steveston and then
12 there is one hour from the pilot boat mooring to the
13 boarding station at Sand Heads?

14 A. Yes.

15 Q. Would you say that your average time to
16 take a ship inward would be an hour and 35 minutes?

17 A. To join the ship from our station here?

18 Q. Yes.

19 A. No, I would prefer to say two hours, from
20 the time we get the call and change our clothes. We all
21 live in the local vicinity. I would say two hours,
22 provided that the pilot boat is there at the mooring
23 station when we get down there.

24 Q. How do you board the ship?

25 A. Regular means is to use the pilot ladder
26 in some instances. In latter years we have been requesting
27 the accommodation when the pilot ladder swung down across
28 the end of it.

29 Q. Would you explain what you mean by accommo-
30 dation, sir?



1 A. Accommodation is a gangway, you might say,
2 that runs fore and aft parallel with the ship, and we
3 have asked them to lower that within 10 feet of the water's
4 edge and then we put the pilot ladder across the end of
5 that. Our purpose in that is we only have 10 feet to
6 climb and then we use the accommodation ladder to walk up
7 to the deck of the ship. But the purpose of the pilot
8 ladder is that our pilot boat is not endangered at any
9 time with the risk of crashing into the accommodation
10 ladder. The pilot ladder takes the bump.

11 Q. How high a climb would it be if you didn't
12 have an accommodation ladder?

13 A. With a light ship - I don't think I ever
14 had occasion to measure it before - it seems to me it
15 could be easily 30 feet.

16 Q. On a light ship?

17 A. Yes.

18 Q. Have you found that the request for an
19 accommodation ladder has always been acceded to?

20 A. Nine times out of ten, yes.

21 Q. It has?

22 A. That is correct.

23 Q. Now, sir, we are on board the ship which
24 you are going to take in. What do you do first upon
25 arriving on the ship?

26 A. I would introduce myself to the master,
27 and if he wasn't on the bridge I would ascertain from the
28 officer on the bridge as to the depth of the ship, what
29 draught she was. Then, in turn, the master might point
30 out any peculiarities about the ship, whether she was a



3 1 bad actor, which some of them are. When I say that, that
2 doesn't apply to every ship, but she may have some idio-
3 syncrasies which the master might like to point out. And
4 if you didn't realize what type of vessel you were aboard,
5 you might ask if she was motor or steam, whether twin screw
6 or single screw, and if she was of the turbine class.

7 Q. Why would you ask for these details?

8 A. On account of the manoeuverability of the
9 ship. That is something we have to know before we start
10 to pilot the ship.

11 Q. Having ascertained these facts, what would
12 you do?

13 A. Well, nine times out of ten the master
14 will say: "Go ahead, take over. I am going down to have
15 a sleep. I have been on my feet 24 hours making the land."
16 He then leaves it to the pilot. There may be a mate and
17 a quartermaster in the wheelhouse. We give our orders to
18 the wheelsman direct, but the officer of the watch pays
19 careful attention to see that he interprets our orders
20 correctly.

21 Q. When you are taking a ship up river do you
22 consider you are in charge of the ship?

23 A. If that is the way the master wants it,
24 yes, I do.

25 Q. How long would it take you normally to
26 take a ship from Sand Heads to Fraser Mills?

27 A. The distance is $22\frac{1}{2}$ miles, but that doesn't
28 always prove anything. It is depending on the tidal condi-
29 tions. You may have a four-knot ship and a ten-knot tide,
30 and in that case you only make six knots.



1 Q. How many hours is it from New Westminster
2 to Fraser Mills?

3 A. Three-quarters of an hour.

4 Q. What would be the length of time actually
5 spent piloting a ship inward, minimum and maximum time it
6 would take?

7 A. As I say, the distance from New Westminster
8 and Fraser Mills is not the same. But you can come up and
9 dock in two hours.

10 Q. Let's refer to New Westminster at the
11 moment.

12 A. With a fast ship and an ebb tide you could
13 make it nicely in two hours off the dock, and then take
14 another half-an-hour to put the ship alongside the dock.

15 Q. Would it be fair to say that the minimum
16 time spent on one job would be two-and-a-half hours from
17 Sand Heads to docking at New Westminster?

18 A. That would be the minimum time.

19 Q. What would be the maximum?

20 A. Well, that is something else. I have
21 spent from four o'clock in the morning, joining the ship
22 at the Sand Heads, and I got off the ship at two o'clock
23 in the afternoon, and that is ten hours. That was from
24 Sand Heads to New Westminster. That was in freshet time,
25 with a strong current and slow ship.

26 Q. Does that happen regularly?

27 A. No.

28 Q. How many hours have you spent like that
29 trying to take a ship in?

30 A. Possibly that length of time.



1 Q. Twice in ten years?

2 A. No, twice in the last five years.

3 Q. What would be the maximum time you would
4 spend?

5 A. Well, you have got conditions to consider
6 sometimes. I have taken three or even four days to arrive
7 at New Westminster from Sand Heads, depending on the
8 weather.

9 Q. But when you leave home you certainly
10 don't say to your wife, "I am going there and then I am
11 coming back."?

12 A. Yes, sir, I do.

13 Q. But when you board a slow ship, when would
14 you expect to be in New Westminster?

15 A. From the time I leave home?

16 Q. No, from the time you board the ship?

17 A. A slow ship, four or five hours.

18 Q. So would it be fair to say, then, that the
19 average maximum length of time for a job inward would be
20 about five hours?

21 A. From the time I boarded the ship to New
22 Westminster, yes.

23 Q. Yes?

24 A. Yes, it would.

25 Q. Now, would you care to point out to the
26 Commission the major difficulties which you would
27 encounter coming up river? You may refer to the two
28 charts which you have in front of you.

29 A. Well, the major difficulties you might
30 run into consist of a lot of things, and I am not going to



1 take an average trip; I am going to make it as tough as
2 possible, because we do get a lot of them.

3 Q. Well, make it as tough as possible and we
4 will see.

5 A. Well, in the summertime, freshet, you have
6 got, let's say, a four-knot current in the river.

7 Q. Before you go on, do you agree that the
8 freshet takes place between May and July?

9 A. The freshet takes place, starting in the
10 middle of April and continues through until September,
11 before we get normal tide again.

12 Q. Carry on, please.

13 A. In the freshet time, on the lower reaches
14 I am referring to right now, on entry the tide may be
15 ebbing four knots because it has not the same velocity as
16 it has down at New Westminster. Freshet time is usually
17 fishing time, and that particular shift from Steveston
18 out to Sand Heads, a distance of seven miles, is the
19 favourite fishing ground for the fishermen on the Fraser
20 River on certain tidal conditions. Although they are not
21 permitted to fish according to the Harbour Board regula-
22 tions from a point above Steveston to the entrance to the
23 river, they still continue to do it, and you can see that
24 the channel is very narrow in certain parts, particularly
25 around the 16 and 18 buoy.

/dpw 26 Q. What would be the width of the narrowest
27 part of the channel?

28 A. The narrowest part is right at this point
29 here, 16 and 18 buoy, where the usable width would be 400
30 feet. I think the width between the buoys and the jetty



1 itself is 550 at the present time, or probably extended to
2 600. They are widening this stretch here, so they hope to
3 get it to a thousand feet in a few years. But there we
4 have got the fishermen to contend with, and other traffic
5 as well, tugs and barges, and tugs and scows, and at this
6 particular turn, this 16 and 18 bend, we don't pass
7 another vessel in this reach. The fellow with the tide
8 with him, which is always going out in the summertime, he
9 has the right-of-way and the incoming vessel will wait
10 below No. 16 buoy until he is clear of that turn, but we
11 are usually on the lookout for outgoing ships, vessels
12 sailing, and we have an approximate idea of when we may
13 expect to meet them there, so we keep a sharp lookout and
14 wait below 16 buoy until he is clear.

15 Q. How do you wait below 16 buoy? Do you
16 anchor, or just heave to?

17 A. No, with the tide at 4 knots you can put
18 the engine slow ahead and hold your position. We have
19 been known to anchor in a strong wind, and steam with the
20 anchor down, and she stays in a constant position.

21 Q. Would it be more difficult now to meet
22 this traffic in freshet times than during the wintertime?
23 Would there be a difference in the procedure which you
24 would follow?

25 A. Yes, to a degree, with a strong current
26 in freshet time a tug coming down, he is not always able
27 to keep his tow under control, and consequently he needs
28 more room at that point to navigate that corner than in
29 ordinary times. So in slack water if you had a slack
30 tide, but with a strong pressure his tow is bound to set



1 to the northward in that particular spot. Therefore, he
2 is using up three-quarters of the channel and the shoal
3 point is on the south bank there, and it is not marked.
4 It is marked with buoys at the present time, but you can't
5 run from buoy 16 to buoy 18 because the bank follows the
6 contour of the north jetty on the other side. Therefore,
7 you have to make it on the contour, and those points are
8 not marked by buoys of any description.

9 Q. Would you heave to in order to let a tug
10 in tow go by, or would you meet a tug in tow between
11 buoys 16 and 18?

12 A. I have always made a practice, and I
13 believe the other fellows do, if they see a tug coming
14 down they will slow the ship down and wait beyond No. 16
15 buoy to let the tug clear.

16 Q. Would you carry on, please?

17 A. Where was I?

18 Q. Buoy No. 18?

19 A. Well, as I say, that is a very narrow part
20 of the channel, and it has been a bone of contention for a
21 number of years. The Department of Public Works is trying
22 to do something about it now, and I think they will have a
23 slight measure of success, we hope. We are still conten-
24 ding with fishing boats all the way upstream as far as
25 New Westminster from that point, and then you get up into
26 Steveston Cut here, as we call it. That is another one of
27 our bars. I should have added, to go back to the Sand
28 Heads, there is a bar at the mouth of the river, the beam
29 of the lighthouse extending a mile to the eastward, which
30 the Department at the present time has kept dredged to 24



1 feet at low water, and if the vessel is too deep to cross
2 that bar it is naturally too deep to cross the Steveston
3 bar, so there might be a delay, and you would have to wait
4 outside till a more suitable tide, but if he is not too
5 deep we bring him in.

6 Q. If the ship is too deep to cross the bar
7 at Sand Heads, do you anchor the vessel and wait with her
8 until a favourable tide, or do you go back home?

9 A. Oh, no. We stay aboard the vessel. We
10 relieve the coast pilot when we come aboard, and ascertain
11 the draught, and if she is too deep to come in on that
12 tide there might be a period of three, four or five hours
13 before the ship can enter. Depending on the length of
14 time that she has to wait outside, if it is only an hour
15 or two, then we will take the ship and steam within our
16 own district, but if she is going to be any longer than
17 that we recommend to the master that we put the ship into
18 an anchor a mile from the lighthouse, where there is 30
19 fathoms of water. But we stay with the ship.

20 Q. Now, let's get back to Steveston.

21 A. The Steveston Cut is up here to the south-
22 ward, abeam of Steveston; that is one of our controlling
23 points draught-wise in the river. That, at the present
24 time, they maintain it to 23 feet at low water. So we are
25 talking about summertime. I could put you on to the
26 wintertime schedule, and point out a lot of other things,
27 but if we are doing the trip in summertime I guess I will
28 have to stay with it.

29 I want to point out, sir, that in wintertime we
30 get a lot of man-made fog from these canneries at



1 Steveston, which fill the channel for two to three miles
2 here.

3 Q. How does this affect you?

4 A. It is vapour from the refining plants,
5 the reduction plants, at Steveston. Not so much in summer,
6 but during the winter season, depending on which way the
7 direction of the wind is blowing, it will fill this whole
8 area here, and you can smell the fish ---

9 Q. When you say this whole area, would you
10 describe it for the record, please?

11 A. The area from abeam of Steveston for a
12 distance of two-and-a-half miles, and around this bend
13 here.

14 Q. Westward, eastward, southward, northward?

15 A. Westward from abeam of Steveston, west-
16 ward.

17 Q. Is that a frequent occurrence?

18 A. Very frequent in the wintertime, because
19 we have northeast winds, easterly winds, off the land, and
20 it just fogs in this channel abeam of Steveston, and two
21 or three miles below it. In that case, when visibility is
22 that low, we have to anchor our ship either departing or
23 bringing a ship in.

24 Q. Would you say that would happen once every
25 two trips, or three trips, or four trips, during the
26 winter?

27 A. That we have to anchor a ship?

28 Q. Yes.

29 A. No, it doesn't happen that frequently,
30 but a ship without too many aids to navigation on the



1 bridge, a ship without radar, and only a magnetic compass,
2 it is a very unsafe practice to run down through the parti-
3 cularly on an ebb tide, if you can't see where you are
4 going, because you are getting into a very narrow channel.
5 But we have been known to anchor in snowstorms, which the
6 smog from Steveston didn't help, when the air is heavy,
7 like on rainy days, the man-made fog from Steveston just
8 lies on the surface of the water and obscures visibility.

9 Q. How high would it be?

10 A. Oh, the height of the mast of a ship,
11 maybe 50, maybe 100 feet.

12 Q. If your ship were equipped with radar and
13 gyrocompass would you anchor?

14 A. I have done so when it is too dense.

15 Q. How often have you done that?

16 A. Possibly three or four times.

2 17 Q. During a period of how many years?

18 A. Well, it has only been the last, say, ten
19 years that some of these ships have become equipped with
20 radar, so I am referring to that period.

21 Q. How many times have you been through there
22 with fog or smog without anchoring?

23 A. Possibly a hundred or more.

24 Q. In the same time of the year?

25 A. The same time of the year. As I say, it
26 does not happen every day, but you never know when it is
27 going to put in an appearance and, again, the weather
28 depends on it; if the wind blows southeast you don't have
29 that, because it is blowing on to the land, but a north-
30 east wind blows channel-wise and will fill the channel



1 with this smog.

2 Q. If you have no further comment for the
3 reach between Steveston and the Sand Head, would you
4 move on?

5 A. I don't think I have any further comments
6 on that. I mentioned that the bar is another considera-
7 tion abeam Steveston, which is kept dredged to 23 feet.
8 It is 23 feet at the present time. After the freshet, and
9 in the summer, it shows up sometimes to 18 feet, but they
10 try to keep it down to 23.

11 Q. Now, if we may go up the reach between
12 Steveston and Tilbury Island, shown on Exhibit 147?

13 A. Well, from Steveston bar up beyond that
14 point the water is fairly good, and up as far as the Wood-
15 ward training wall you can find a proper anchor with room
16 enough for the ship to swing each way, but you still have
17 to stand by in case of weather, and see that she does not
18 bring up against the beach at anchor with a storm wind.

19 Q. Would you meet or pass traffic without
20 difficulty between Steveston and Tilbury Island?

21 A. I didn't hear that question.

22 Q. Would you have difficulty in meeting and
23 passing other ships, or barges, or tugs, between Steveston
24 and Tilbury Island?

25 A. Well, I don't think we have ever
26 experienced any difficulty except on the Steveston bar
27 when you get two deep ships, and they are both just about
28 on the maximum; one of the fellows has to use the centre
29 line, because that is where the dredged channel is, and
30 it will throw the other ship off into shoal waters, so he



1 would wait until the other ship got by, and move back into
2 the dredged channel again and proceed. But what is that
3 we don't have any difficulty in clear weather at all
4 meeting vessels or tows. Sometimes the tows get across
5 the river, and you are not able to overtake them for a
6 considerable distance, but those are things common to the
7 Fraser River. We just take it as we find it. But naviga-
8 ting the channel up as far as Rose Island here, which is
9 another small anchorage pool, but the ship needs constant
10 attention, and if you do anchor there you have to stay on
11 the bridge.

12 At Kirkland Island, although there appears to
13 be quite a lot of width there for two vessels to meet, we
14 always try and avoid meeting at that particular spot abeam
15 of Kirkland Island, because each ship is on the swing at
16 the same time, so you are not on the straight-away, so you
17 usually wait for one of them to get clear. From that point
18 over to the Deas Island tunnel up as far as the intersec-
19 tion of the Tilbury Ranges there is no difficulty.

20 Q. Now, sir, if we may consider the reach
21 between Tilbury Island and the grain elevator shown on
22 Exhibit 148?

23 A. At the intersection of the Tilbury Range
24 here, as I mentioned before, that is another very good
25 anchoring pool, and from there up the channel is of an
26 average width. It narrows down here at buoy 32.

27 Q. What would be the average width?

28 A. The average width, possibly 700 feet up as
29 far as buoy 32, where it narrows down a little bit, and
30 there again we try to avoid meeting another vessel at that



1 particular point, until we carry on further upstream.
2 Getting up to St. Mungo's Bend, as we know it, the best
3 water is on the south shore, and once again we try to
4 avoid meeting another vessel at that particular turn,
5 because, as I said, each ship is on the swing at that
6 time, and one of us will stay down below, or one will
7 wait up here until the other vessel is clear.

8 From there up to the elevator the water is very
9 good, and you meet your other anchoring pool immediately
10 below the elevator.

11 Q. Are there any other difficulties which you
12 would care to point out to the Commission on that reach?

13 A. None that I have in mind at the present
14 time, except that this St. Mungo's Bend we have always
15 considered it a bad turn, particularly in the strong
16 current, strong ebb tide; a ship has to maintain its
17 course on the south shore.

18 Q. Going up or going down river?

19 A. Going up river, and in making a swing to
20 port to get around St. Mungo's Bend, oftentimes the strong
21 ebb will get him on the port bow, and he will wind up just
22 off the beach on the south side on the starboard hand.
23 It is a very difficult turn to navigate, and as I under-
24 stand it, the Department is going to widen that to a
25 thousand feet, which will take care of that situation.

26 Q. Do many ships go aground in that bend?

27 A. There has been one aground there to my
28 knowledge; only one.

29 Q. When?

30 A. I am not going to guess, but I believe it



1 was 15 years ago. The "Parrakoola" was the name of the
2 ship.

3 Q. So none have gone aground in the past 15
4 years in that bend? To the best of your knowledge, mind
5 you.

6 A. Well, I think there was another one aground
7 since that, because he cut the corner a little too fine
8 with another ship coming up, and it was only a matter of
9 an hour or so that he was aground. He floated off.

10 Q. But it is not an everyday occurrence?

11 A. No.

12 Q. Now, the last reach from the grain eleva-
13 tor to our famous Railway Bridge?

14 A. Well, abeam of the elevator for a mile to
15 the east we have shoaling conditions again after every
16 freshet, immediately after, and during the freshet period.
17 This is another dredged channel, and the last time it was
18 dredged, it is dredged every year, or practically every
19 year, to my knowledge. They tried to maintain that at a
20 width of 300 to 325 feet, and a depth of 31 to 32, I
21 believe it was dredged to last Fall or last August, and
22 with a deep ship leaving New Westminster meeting a deep
23 ship coming in, we just take it very easy along that
24 stretch.

25 Q. What side of the channel would you keep to
26 going up, and what side coming down?

27 A. That side of the channel which lies on the
28 port-hand side of the vessel. That rule is in effect from
29 this point here, the Annieville Dike to the southwest
30 extremity.



1 Q. What is the number of the buoy which you
2 indicated?

3 A. That is not a buoy. It is the Lower Wing
4 Dam light, on the end of the Annieville Dikey, is the way
5 we put it. I guess it has an official number in the book,
6 but I don't remember what it is. So we operate with
7 caution when there are other vessels in the vicinity in
8 this dredged area a mile from the elevator up to the
9 No. 35 buoy. Again, you are in deep water up at New
10 Westminster docks.

11 Q. In docking your vessel, what particular
12 difficulties do you encounter?

13 A. Well, in most cases we don't experience
14 any particular difficulty.

15 Q. Would tide and currents render your job
16 much more difficult or dangerous, or hazardous?

17 A. Well, depending on which berth you are
18 going to. Going to the outside berths with an ebb tide
19 you are heading easterly, so you just let the current
20 carry your ship alongside. But that only takes care of
21 four berths on the river side. I am not referring to the
22 three berths of the Pacific Coast Terminals.

23 Q. What is peculiar about them?

24 A. Well, that is also a dredged channel from
25 this point abeam of City Buoy No. 35. It is an area that
26 they have to keep dredged practically every year, and it
27 shoals at the same time the Annieville Channel shoals,
28 after freshet, and many times it will shoal to a depth of
29 15 or 16 feet on the lower end of the dock. That is the
30 dock at the extreme west end. But they usually try to



1 maintain dredging there, and keep it dredged out to 30
2 feet at the dock, but the channel is a tapered channel,
3 and there is only 300 feet horizontal clearance at the
4 end of that particular dock, at A Berth, as it is known
5 to the pilots, and it tapers from six or eight hundred
6 feet. At this end it tapers to 300, therefore ---

7 Q. When you refer to this end, you refer to
8 the mouth?

9 A. Abeam of the Knuckle.

10 Q. Now, sir, would there be a difference
11 between the time taken to dock a vessel on the river
12 berths, and the time taken to dock vessels on the Pacific
13 Coast Terminals berths?

14 A. Yes, sir, there is quite a difference.

15 Q. What would that difference be? How long
16 would it take you to dock a vessel normally on the river
17 berth?

18 A. Well, you might be finished in half-an-
19 hour.

20 Q. Would that be the normal period of time
21 taken?

22 A. For the outside berth under favour condi-
23 tions, yes. You wouldn't be off the ship in half-an-hour,
24 but you would ring off the engines in half-an-hour.

25 Q. How long would you remain on board the
26 ship after ringing off the engines?

27 A. Depending on how long it took the crew to
28 get out the gangway.

29 Q. Normally, do you expect the crew to take
30 an hour, or two, or three hours to get the gangway out?



1 A. Normally, if the accommodation ladder
2 happens to be rigged on that side of the vessel, alongside
3 the dock, it will take them 15 to 20 minutes after they
4 are finished making fast to lower that gangway. But if
5 they have to put a Board of Trade gangway out it might
6 take them an hour-and-a-half to two to two-and-a-half
7 hours, depending on what time of day it is. If it is
8 two o'clock in the morning they will make it last two or
9 three hours.

10 Q. But isn't it normal for the crew of a
11 ship to rig some sort of gangway, or ladder, in order to
12 enable the pilot to leave the ship if the rigging of the
13 gangway takes such a long time?

14 A. I have come ashore on an ordinary rung
15 ladder, yes, but it is not every ship you can find one of
16 that type on. That is only for my own convenience. I
17 certainly don't make a practice of it. I wait for the
18 gangway to be lowered and a net out.

L/dpw 19 Q. Now, normally how long would you expect to
20 wait to leave the ship? It is not every day that it takes
21 two hours.

22 A. I would say it averages three-quarters of
23 an hour before I leave the ship, because the crew is still
24 making the ship fast after you ring engines off, and after
25 the engines are rung off you go downstairs and the crew is
26 still making the ship fast.

27 Q. So if I may sum up, it takes you about
28 half-an-hour to dock the ship, then it takes you about
29 half-an-hour to make the ship fast, and it takes anywhere
30 from 15 minutes to three-quarters of an hour to rig the



1 gangway for you to go ashore?

2 A. That is correct. That would be an
3 average. That is docking the ship port side to. Docking
4 the ship starboard side to is something else again.

5 Q. How long would it take?

6 A. I don't want to make a story out of this,
7 but I think this is a fact-finding Commission, and if they
8 want the facts I can state them here and give them a few.

9 Q. We appreciate that. That is why you are
10 on the stand.

11 To sum up, what I said a moment ago applies
12 when you are docking port side to.

13 A. Port side to, that is correct. It is
14 faster because you come up and dock.

15 Q. Without having to turn your ship?

16 A. That is correct.

17 Q. How long would it take you to turn the
18 ship in the river if you were to go alongside starboard
19 side to?

20 A. By the time you get the headway off the
21 ship and put her full astern, get the headway off the
22 ship and put out your anchor, by the time the ship swings
23 herself on the anchor it might take half-an-hour for the
24 ship to swing around and head downstream. Then you would
25 heave up the anchor, and it might take ten minutes because
26 you would only have one shackle down, and then you would
27 proceed alongside, the same as you would put her in port
28 side to.

29 Q. So when you are docking starboard side to
30 it might be 45 minutes longer. You were referring to



1 docking port side to?

2 A. That is correct.

3 Q. If you were docking a vessel at the
4 Pacific Coast Terminals, what would be the length of time
5 taken approaching the dock, docking and making the ship
6 fast and putting the gangway out?

7 A. That is a hard question to answer. I have
8 tried to figure an average time there, but I have never
9 come anywhere close to it. Sometimes you can do it and
10 everything works according to plan, but you are very lucky
11 to be able to put some of these ships in at lower berths
12 there in 45 minutes, depending on the tide. If it is an
13 ebb tide, it would take you longer.

14 Q. Do you dock port side to or starboard side
15 to?

16 A. We dock either way, depending on the tide.

17 Q. Do you use tugs to dock vessels?

18 A. Yes.

19 Q. How many tugs do you use?

20 A. Normally just one, but on occasion we use
21 two.

22 Q. What sort of tugs are they?

23 A. They are tugs of 300 horsepower, roughly,
24 350.

25 Q. Now, sir, you have said that coming up
26 river, it takes a minimum of two-and-a-half hours up to an
27 average maximum of five hours for one trip, excluding
28 docking?

29 A. That is correct.

30 Q. Now, to go down river from New Westminster,



1 would these averages stand?

2 A. No. You usually make better time going
3 downstream than you do coming up.

4 Q. By "better time" do you mean it would take
5 you ---

6 A. Well, you have got the ebb tide so many
7 hours longer than you have otherwise. 75% of the time you
8 are going up it is an ebb.

9 Q. How long would it take you to go out?

10 A. I have made the trip in an hour and 40
11 minutes. That is the steaming time from the time the ship
12 is turned.

13 Q. I am not talking about undocking now, just
14 straight piloting from New Westminster to Sand Heads.

15 A. I have made the trip in an hour and 40
16 minutes, a trip of 20 miles.

17 Q. That would be an extreme minimum?

18 A. Yes.

19 Q. What would be the average trip?

20 A. Two-and-a-half hours.

21 Q. What would be the maximum?

22 A. Well, there again, depending on conditions,
23 what type of weather you may meet.

24 Q. I am not saying if you are anchored for a
25 day on the river waiting for clear weather, but if you had
26 clear weather?

27 A. You would make a maximum trip in possibly
28 three-and-a-half, sometimes four hours. That is the
29 maximum.

30 Q. Leaving any of the docks, either the City



1 docks or the Pacific Coast Terminals dock, how long would
2 it take you to let go and be underway?

3 A. Half-an-hour, depending on which side the
4 ship is alongside, whether starboard side to or port side
5 to, or which berth it was in.

6 Q. What would it be, say, if you were in the
7 inside berth at the Pacific Coast Terminals dock?

8 A. Well, if she was port side to you would
9 get out and get square away in half-an-hour from the time
10 they started letting go the lines, if you were not inter-
11 rupted by tows coming down the channel. We have had
12 delays for half-an-hour where we had to stay alongside the
13 dock to wait to get cleared.

14 Q. Is that a frequent occurrence?

15 A. In that particular area, yes. You not
16 only get tows coming upstream, but you get them going down,
17 depending on the state of the tide, whether it is flood or
18 ebb.

19 Q. Now, regarding movages within the harbour,
20 what would be the movages you would do?

21 A. Movages from point to point?

22 Q. Yes.

23 A. Often we take ships from New Westminster
24 up through the bridge to Fraser Mills.

25 Q. How long would that take, exclusive of
26 docking or undocking?

27 A. Well, the steaming time up there is only
28 three-quarters of an hour, depending on traffic again.
29 It is only three miles.

30 Q. Three-quarters of an hour steaming time?



1 A. Yes.

2 Q. And would the figures you gave for docking
3 and undocking at Fraser Mills be about the same?

4 A. About that, yes.

5 Q. But you have to steam up above the
6 Sapperton Dike and turn around and come down the south
7 channel; how long would that take?

8 A. I think the quickest time from Fraser
9 Mills and turning the ship and coming down would be about
10 an hour, on an ebb tide - I am talking an ebb tide - to
11 get back as far as the New Westminster Railway Bridge.

12 Q. Would you shift ships to the grain eleva-
13 tors?

14 A. Yes, we often shift ships from New West-
15 minster to the grain elevator or, vice versa, from the
16 grain elevator to New Westminster, from the elevator to
17 Fraser Mills, and from New Westminster to the grain eleva-
18 tor.

19 Q. How long would that take?

20 A. Well, the distance is only a mile, but it
21 depends on the state of the tide. If it was an ebb tide
22 you would have to turn the ship at New Westminster and head
23 south and then get below the elevator and turn the ship
24 again and head back northeast.

25 Q. And how long would that take?

26 A. Well, you might get through it in two
27 hours, on that type of an operation.

28 Q. Would that be the maximum, sir?

29 A. No, I have spent as much as three hours
30 doing that type of work. I don't think that would be the



1 maximum.

2 Q. Normally, do you spend three hours or two
3 hours as a maximum?

4 A. Two-and-a-half hours might be an average.

5 Q. Now, tell me, sir, is there much difference
6 between your work at night and your work during daylight
7 hours as regards difficulties in timing?

8 A. Oh, yes, I think we are all agreed that we
9 would sooner pilot ships in daylight rather than after dark.

10 Q. But does it slow down your work?

11 A. Yes, it does. In the daytime you can see
12 a tow around some of the bends a distance of two or three
13 miles in stretches, you can immediately see what the tug
14 is towing. It might be towing a scow or a hog scow or two
15 hog scows and you will know that tug is making some time
16 through the water. But to see that tug at night you
17 wouldn't know what she has a hold of. You wouldn't know at
18 what particular point you were going to meet her. In day-
19 time you can figure these things out twice as quickly than
20 you can at night.

21 Q. Do you do your work mostly in daylight or
22 night hours?

23 A. Mostly at night.

24 Q. What would be the percentage of work you
25 perform at night?

26 A. Well, I would like to think it is 90%.
27 That is what it seems to me, anyhow.

28 Q. Let's not say what you would like to think
29 but let's say what it is.

30 A. Actually, I haven't stopped to figure it



1 out. It is in our brief. I think it is 90%.

2 Q. But you perform most of your work at
3 night?

4 A. Yes. That is with the close proximity of
5 these Gulf ports.

6 Q. Now, about weather and visibility, do you
7 often have fog, apart from the matter of smog which you
8 have mentioned earlier on?

9 A. Yes, we have fog possibly from the first
10 week in October right through until nearly the end of
11 March, this time of the year. There is none today.

12 Q. There has been none since we have been
13 here?

14 A. No.

15 Q. Does that stop traffic altogether or
16 merely impede it?

17 A. It has stopped traffic; on many occasions
18 it has stopped it. I am talking about deep water traffic.

19 Q. Yes, indeed. What about rain? Do you
20 find that rain impedes traffic on the river or may stop it
21 altogether?

22 A. I have never been stopped by rain, although
23 you put your ship on slow speed and certainly navigate with
24 caution during a heavy rainstorm when visibility could be
25 cut down to three-quarters of a mile. We get lots of rain
26 here.

27 THE CHAIRMAN: I think Captain Gilley spoke of
28 snowstorms before. You might ask about that.

29 Q. Now, tide and currents, sir. Am I right
30 in saying that the currents of the Fraser River are always



1 up and down the river without any major incidents, or
2 cross currents, I should say?

3 A. Well, we have - I don't know whether I
4 would call them cross currents or sets, but at different
5 points in the river there is a definite set, either to the
6 north or to the south, at various points on the river,
7 right from Sand Heads boarding station through to Port
8 Mann.

9 Q. Is that a regular occurrence, something
10 you can rely on?

11 A. Yes, we always figure on it, a set of
12 some kind. We know which way the ebb tide will set and
13 which way the flood tide will set.

14 Q. Would you tell the Commission the velocity
15 of flood and ebb in the winter?

16 A. In wintertime when the river is normal or
17 even below normal you might get it averaging two-and-a-half
18 knots; I think it has been measured up to three-and-a-half
19 knots, although I am speaking about three or four years ago
20 before changes were made up river. But your ebb might
21 average four-and-a-half knots.

22 Q. That is during the winter?

23 A. Yes, under normal conditions, depending on
24 the drop of the tide. Naturally you get more velocity
25 there than you do with a shorter tide.

26 Q. These figures you referred to, are they a
27 large range or a small range?

28 A. A large range.

29 Q. What would these figures be during the
30 freshet time?



1 A. Well, when the river gets up to 10 feet at
2 Mission at freshet time the flood tide ceases to exist.

3 Q. You mean the current?

4 A. Yes, the current, the flood current, and
5 it ebbs continuously for four-and-a-half months.

6 Q. Is there a variation in the velocity of
7 this ebb?

8 A. Yes.

9 Q. What would be the range?

10 A. If you get a rise from a zero tide to a
11 13-foot tide during summer, you will feel the effects of
12 it at New Westminster, although it will take the sting out
13 of the ebb tide. I believe, as far as the maximum velocity
14 - I didn't get what was said this morning, but I have
15 measured the maximum velocity at freshet time on the north
16 side at $7\frac{1}{2}$ to 8 knots.

17 Q. Is that something extraordinary?

18 A. That was, yes; that was extraordinary. I
19 think you could say a normal freshet is probably six to
20 seven knots.

21 Q. Now, sir, as regards aids to navigation on
22 board vessels, would you tell the Commission whether the
23 vessels which you have been piloting for the past five
24 years are equipped with radar and gyro and echo sounders?

25 A. Some of them are, not all of them.

26 Q. But is the majority equipped with radar
27 and gyro?

28 A. The majority, did you say?

29 Q. Yes.

30 A. Well, the majority are, I believe.



3 1 Q. Do you make use of these devices?

2 A. Yes, we do.

3 Q. To what extent do you make use of them?

4 A. We use the radar as a guide. Although we
5 have found that most radars give a pretty true picture,
6 we have found that there have been errors in it, so we use
7 it as a guide and put the ship on her true course and then
8 use the radar as a guide.

9 Q. As a check?

10 A. Yes, as a check. I have brought a ship
11 maybe a distance of three or four miles, knowing that no
12 other traffic was around, on radar alone, because I had no
13 other visual means of communication with the shore. I
14 have used radar to that extent, but we don't make a prac-
15 tice of it - at least I don't - because you can't run a
16 course of more than a mile-and-a-half before you are
17 making a turn.

18 Q. Now, what about gyro? Do you use gyro
19 when you do your work?

20 A. Oh, most of the ships are equipped with
21 gyro. Very few nowadays have not a gyrocompass.

22 Q. Do you rely on gyro?

23 A. If you determine that there is no error in
24 the gyrocompass when you go aboard the ship. We don't
25 rely solely on gyro; we must be able to see something when
26 we use the gyro.

27 Q. Would it be fair to say that these two aids,
28 radar and gyro, help you considerably in your work?

29 A. Yes, it is fair to say that.

30 Q. Now, in this particular district, do you



1 make use of echo sounders?

2 A. No, sir.

3 Q. You do not?

4 A. Only when we put a ship to anchor at the
5 mouth of the Fraser River. That is the only time we use
6 it.

7 Q. Is there a speed limit within the harbour
8 of New Westminster?

9 A. No, sir, not to my knowledge. We use our
10 own judgment.

11 Q. Do you have any problems as regards quaran-
12 tine, waiting for ships to get pratique?

13 A. None. Although we have had to wait aboard
14 a ship until the quarantine doctor has made his inspection,
15 sometimes at the docks here in New Westminster.

16 Q. Does that happen very often?

17 A. Oh, once in five years. As far as I am
18 concerned, that's about all.

19 Q. To come back to your station at sea, what
20 is the usual weather encountered off Sand Heads?

21 A. The usual weather encountered off Sand
22 Heads?

23 Q. Yes.

24 A. Well, at this time of the year, wintertime
25 - we are in Spring now - in wintertime the prevailing wind
26 is from the southeast. We have a little bit of protection
27 at the Sand Heads inasmuch as the southeast wind blows off
28 Sand Heads, consequently there is not the sea there which
29 could be with a southwesterly wind, sweeping down the Gulf.

30 Q. And during the summer?



1 A. That is during the summer. We do get
2 winds in the winter, but mostly we call it summer westerlies
3 and they cantoss up a sea where the tide is at 5 or 6 knots
4 and with the wind backing it up it throws a tremendous sea
5 at that point.

6 Q. Then you are on the pilot boat. Do you
7 find there is a long waiting period before you board your
8 vessel? Does it occur frequently that you have to wait
9 to board your vessel?

10 A. Yes, that happens on many occasions; not
11 particularly on account of the ship that you were being
12 dispatched for being delayed. That very often happens,
13 but with one pilot boat stationed at the mouth of the
14 river and having to travel $5\frac{1}{2}$ miles back to the mooring
15 station, the boat doesn't have enough time to get in and
16 back out again, and we find possibly five or six of our
17 own men on board the pilot boat because they have to go
18 down ---

19 Q. You say five or six of your own men. You
20 mean five or six pilots?

21 A. Yes, five or six pilots. There have been
22 as many as seven, the full complement of pilots.

23 Q. Is that every day?

24 A. No, that would be on occasions. But it is
25 quite frequent for four or five pilots to be there at one
26 time.

27 Q. How often does that happen?

28 A. It could happen a couple of times a week.
29 Three might be going down to join ships and the other two
30 might be bringing ships out. Or three might be taking



1 ships out and two going down to join ships. We are all
2 down there at one time.

3 Q. And those two leaving ships would have to
4 wait until those who have been appointed to take ships in
5 would board the vessel before going ashore?

6 A. Yes.

7 Q. And you say that happens twice a week?

AG/dpw 8 A. I say it could happen twice a week.

9 Q. Yes, but does it happen twice a week?

10 A. Well, I would say it happens twice a week
11 with three or four of us out there at the one time.

12 Q. Apart from that, have you any other
13 comments to make as regards the operation of the pilot
14 boat?

15 A. No. As far as the pilot boat itself is
16 concerned, it is a sturdy little vessel, and I have got
17 nothing but compliments for the vessel itself and for our
18 own boatmen down there. There are D.O.T. boatmen down
19 there now. They do a splendid service, but the hours of
20 delay we put in waiting outside on the pilot boat would
21 run up into a good many hours we spend aboard the pilot
22 boat doing nothing. We are actually just waiting to get
23 home, but we just have to wait out there.

24 Q. If there were three or four of you on the
25 pilot boat, how long would you have to wait on the pilot
26 boat if you were getting off a ship at Sand Heads?

27 A. I might have to spend three hours out
28 there, maybe longer.

29 Q. Three hours?

30 A. That is correct.



1 Q. Can you tell the Commission whether the
2 work load of the pilots is spread evenly among the seven
3 of you?

4 A. The work load for the year, say?

5 Q. Yes.

6 A. Yes, I believe it balances up at the end
7 of the year. It did at one time, anyhow.

8 Q. That each would work approximately the
9 same number of hours as his colleagues?

10 A. I think so. I think that is the way it
11 balances out. The same number of assignments, anyhow.

12 Q. How many assignments would you do per week,
13 roughly?

14 A. Maybe seven, maybe eight.

15 Q. Does that include movages too?

16 A. That includes movages.

17 Q. Oh, that is right. You have got the
18 system where you take the ship in and stay with the ship?

19 A. That is right.

20 Q. Do you mean seven ships or seven pilotages
21 in or out?

22 A. You might have two ships in and two ships
23 out during the week, and three movages. That was the way
24 it was intended.

25 Q. So an assignment would be a movement?

26 A. Well, that is the way I am looking at it
27 right now.

28 Q. Yes, seven assignments a week?

29 A. Yes. There again I don't know exactly how
30 it totals out at the end of the year, how many assignments



1 there are, so that is a figure I can't give you.

2 MR. JACQUES: I am not trying to trip you.

3 THE WITNESS: I know that.

4 Q. I am just trying to find out what would
5 be the work load of a pilot here. That is all I want to
6 find out. So you would be making about seven assignments
7 a week?

8 A. Yes, let's put it that way. I have made
9 as many as four in a day.

10 Q. Well, I can believe that. Disregarding
11 the fact that you may be on call, and that you may be on
12 your day off, how many days a week do you work? Do you
13 actually work, either waiting on board the pilot boat,
14 travelling to your work, travelling to return from your
15 work, or piloting, or doing work on board a ship?

16 A. I can't answer that, because I have not
17 got any figures with me. I have never kept a record of the
18 days I work and the days I don't. I know that I have
19 worked many times seven, eight or nine days at a stretch
20 doing piloting every day. Then I may have a couple of days
21 off, and do three more days piloting. When I say days off,
22 I am on standby, you know.

23 Q. Well, I am agreeable to that. But surely
24 you can tell the Commission, since you have been a pilot,
25 whether you are working regularly seven days a week, or
26 normally whether you consider a normal week would be three
27 days, four days, five days, I don't know?

28 A. Well, I don't think I can answer that.

29 MR. LANGLOIS: My lord, at this point, since my
30 learned friend is doing my work and putting my brief in,



1 I think he might as well do it the proper way, and let the
2 witness at least use this brief where all this information
3 is contained.

4 THE CHAIRMAN: Of course, you know it may be in
5 your brief, but it is part of the Commission counsel's
6 work to find the facts, because it is part of his work to
7 see that it is brought before the Commission.

8 MR. JACQUES: No, I certainly have no objection
9 if you will give your witness your brief. In fact I will
10 gladly give him mine, but I have some notes on the pages.

11 THE CHAIRMAN: We will take this occasion just
12 for a brief recess.

13

14 --- Short Recess

15

16 Q. Now, sir, are there any other duties which
17 pilots perform, other than those which you have described
18 this afternoon?

19 A. I don't believe so.

20 Q. Such as, for instance, advising agents on
21 the ---

22 A. Oh, on administration, yes, there are.

23 Q. Would you care to explain them, please?

24 A. Well, as the Commission knows, the pilot
25 who brings a ship in to port usually takes the same ship
26 out. That is that that particular pilot is familiar with
27 the idiosyncrasies of the ship, and the master will ask
28 him what draught he can have on sailing dates, and he
29 speaks with the supercargo, who represents the agents, and
30 the supercargo will give him all the information as to a



1 particular sailing date and time, and he will set these
2 departure times up for him on certain draughts. Well,
3 possibly the next day they find they are going to be a
4 day longer, and they will probably want another foot
5 draught after they have started working cargo, so they
6 will call the pilot office and ask him what the suitable
7 time is to sail on that particular date, with another
8 specified draught. Well, the pilot office will call the
9 pilot if he does not happen to be in attendance at the
10 pilot office. He will give him a call at his home, and
11 it will be a question of working out the draught again,
12 and departure time on a certain date. We make a regular
13 practice of that. That is part of our duties.

14 I didn't know exactly what you were referring
15 to when you said duties.

16 Q. I should have said, perhaps, work, or job.
17 At whose request are these services rendered?

18 A. I don't believe it is at anybody's request.
19 It has been a recognized fact that pilots in the Fraser
20 River give that kind of service, and it has been the custom
21 since I have been there, and it is still in general prac-
22 tice.

23 Q. Now, sir, on a different subject altogether;
24 what do you consider is the relationship between the pilot
25 and the master of a ship?

26 A. Well, a pilot's duties actually are to,
27 although he is not signed on the vessel, he has conduct of
28 the ship from Point A to Point B, and in 99% of the cases
29 the captain will say, "Well, all right, pilot. You go
30 ahead. You know this river better than I do. I have never



1 been here before, so go ahead."

2 Q. Do you consider that you merely give advice
3 to a master, or do you consider that you take over the
4 navigation of the vessel, under the supervision, or under
5 the responsibility of the master?

6 THE CHAIRMAN: Is that an opinion or a fact you
7 are asking for? You said, "Do you consider."

8 MR. JACQUES: More an opinion than a fact, my
9 lord.

10 THE WITNESS: What was the question again,
11 please?

12 (The last question is read back by the reporter.)

13 THE WITNESS: We take over the navigation of a
14 vessel, knowing full well that if the master wanted to
15 take it over himself, that is his privilege.

16 COMMISSIONER SMITH: If it please your lordship,
17 may I ask a question of this witness, and there may be
18 some redundancy in this, because I think there is some-
19 thing in the record in this regard, but this witness has
20 had a long and honourable career as a pilot, of about 30
21 years, and I think he may be able to throw a whole lot of
22 information on the practical aspects of this very important
23 question, which has got into a legal, technical wrangle,
24 and what the outcome will be remains to be seen. I am not
25 suggesting that you give a legal opinion, but as I under-
26 stand it the law of the sea, the hypothesis of the law of
27 the sea with regard to this matter, is that a master is
28 always in charge and responsible for his ship. Now, in
29 contradistinction to that we have in the Canada Shipping
2 30 Act an interpretation of what a pilot is, and I read it:



1 "'pilot' means any person not belonging to a ship who has
2 the conduct thereof;". Now, the lawyers are arguing on
3 the interpretation of conduct, and I am not going to go
4 into that, but on a practical application of this question
5 I would like to have your opinion. Perhaps you have
6 already stated it, but to clarify it completely in my own
7 mind.

8 THE WITNESS: I don't know, Mr. Smith, whether
9 I am fully qualified to answer that or not, because I
10 don't know exactly how it has been laid down originally,
11 or how it is laid down at the present time, but I know
12 that we do the navigation on the ship at the master's
13 request. That is why he hires a pilot, but if it came to
14 a point of law, I am not qualified to speak on that at all.

15 COMMISSIONER SMITH: You wouldn't say that the
16 fact that you are in conduct of the ship does not mean
17 that you are in charge of anything? You are there as an
18 advisor?

19 THE WITNESS: There as an advisor. That is
20 correct, Mr. Commissioner.

21 COMMISSIONER SMITH: Yes. Well, I think that
22 is what was probably intended, but it has got into a
23 technical situation, where it is being argued both ways.
24 Some say that anybody that has any conduct of something is
25 in charge of it. Others say that it is something different.

26 THE WITNESS: Well, I have always felt that the
27 master is in charge of his own vessel.

28 COMMISSIONER SMITH: Well, I think that has
29 been accepted from the dawn of civilization, I think in
30 the law at sea.



1 THE WITNESS: I still go aboard these ships
2 with that same thought in mind, that I am only there to
3 give advice to the master, and he leaves it all to the
4 pilot, but he is actually in charge of the vessel. He
5 might do anything he wishes with it.

6 THE CHAIRMAN: There is Section 22 also in
7 your bylaw: "A pilot shall exercise the utmost care and
8 diligence in the safe conduct of the vessel to which he is
9 assigned and shall at all times observe the practices of
10 good seamanship." I see also, in Section 20(1): "Every
11 pilot having the conduct of a vessel ---"

12 MR. LANGLOIS: My lord, may I refer you to a
13 decision rendered two years ago by Mr. Justice A.I. Smith
14 of the Division of Admiralty in the Quebec District in the
15 case of the "John E. Meisner" grounding at the entrance of
16 the Saguenay River. His lordship definitely decided that
17 the master was still the master of his ship, and if there
18 was a pilot on board the pilot was merely acting as an
19 advisor.

20 THE CHAIRMAN: But I think it is a good thing
21 to have the evidence of the pilot, the way he feels. I
22 think that so far we have that he has said that they are
23 merely in charge of the conduct of the ship, but always
24 the responsible man of the ship is there, either the
25 master or the mate. And generally the orders of the
26 pilot are passed to the wheelsman or to the engines
27 through the master or the mate. So therefore they are not
28 maybe in charge, but they have the responsibility of the
29 conduct of the ship as an advisor.

30 I think it is about what it boils down to, what



1 we have heard so far.

2 MR. LANGLOIS: In practice.

3 THE CHAIRMAN: In practice.

4 MR. JACQUES: And I think that in practice the
5 word conduct is mentioned in the Shipping Act and the
6 bylaw to mean the physical conduct of a ship from Point A
7 to Point B, and not the legal conduct of a ship, or an
8 operation of some kind.

9 THE CHAIRMAN: And for instance, the master
10 could always veto any orders given by the pilot.

11 Q. Now, have you ever given any thought to
12 the relationship which may exist between the pilot and
13 the shipowner?

14 A. Well, when you are piloting a ship you
15 have the safety of the ship foremost in your mind at all
16 times, and in that connection, well, you are protecting
17 the shipowner as well as the master. That is the way I
18 feel about it. That is the only relationship that enters
19 into it as far as I am concerned.

20 Q. Do you consider that you work for the
21 shipowner when you go aboard the ship, or do you work for
22 the master?

23 A. Well, I work for the master.

24 Q. What do you consider the relationship of
25 the Pilotage Authority to the pilots to be?

26 A. They are the Authority.

L/dpw 27 Q. In what sense?

28 A. Well, the pilot would abide by these
29 regulations, bylaws, which are drawn up by the Department
30 of Transport and our own Pilotage Commissioners.



1 Q. Have you considered that you might be, in
2 fact, working for the Pilotage Authority?

3 A. Not in that sense, no. I have always
4 felt we are self-employed. They are the governing body.

5 Q. Now, to cover a point which I have
6 forgotten ---

7 A. I forgot a few when we went through this,
8 too.

9 Q. I am sure that your counsel will make sure
10 that all these points are brought to the Commission's
11 attention.

12 THE CHAIRMAN: In any event, if you wish to
13 make them, you will have an opportunity.

14 Q. It concerns the amount of training and
15 experience required to successfully pilot a ship up and
16 down the Fraser River.

17 A. Well, are you referring to me particularly
18 or any pilot?

19 Q. Any pilot, not particularly to you.

20 A. Well, speaking for myself or of myself,
21 I had 13 years on the tugboats, and our work was
22 concerned mostly with the Fraser River and a little Gulf
23 work, but not too much outside experience. That is all
24 the training I had. As I said before, I have never been
25 in deep water. Coasting for a few months, yes, but never
26 in deep water. I have always felt myself that I have been
27 like the other pilots, I have been average, and I have
28 gotten along very well to the best of my ability, and all
29 my experience was tugboating. I think my record will back
30 that up.



1 Q. Do you consider that the average master
2 mariner would take very long to become familiar with the
3 river?

4 A. The average master mariner? I think it
5 would take him considerably longer than the average tug-
6 boat man who has been around the river.

7 Q. I am sure it would. But how long do you
8 think a master mariner, never having been up the Fraser
9 River, would take to become familiar with the river?

10 THE CHAIRMAN: Doing what?

11 Q. Going up and down the river.

12 A. Well, in our case there are seven of us
13 there, and the seven of us came from tugboats. I think
14 three of the other chaps had deep water master's certifi-
15 cates, but they got their training in piloting through
16 tugboats and barge service on the river. I don't think
17 their deep water certificate was of any assistance to them
18 on the river. I think a deep water master would take
19 considerably longer than the tugboat chaps. I am not
20 prepared to say just how long it might take him.

21 Q. Now, is the silting which takes place ---

22 THE CHAIRMAN: Excuse me. You spoke of two
23 kinds of traffic here, deep sea and tugboat. Is there
24 any other kind of traffic going up and down the river?
25 Coastal traffic?

26 THE WITNESS: Yes, there are small coasters
27 travelling up and down the river, my lord; and we have the
28 Canadian Service barge, the car ferry which operates 6
29 miles below New Westminster to Gulf ports on the island,
30 such as Victoria and Sydney. She makes a round trip every



1 four hours. Outside of that, I don't think there is any
2 other traffic, outside of tugs and small coasters and
3 some big fishing boats.

4 Q. Is the silting which apparently takes
5 place every year a regular occurrence which may become
6 well-known after a few years?

7 A. No, I couldn't say. The channel changes;
8 one freshet might fill it up on one side of the channel,
9 particularly the Annieville bar. A freshet has been known
10 to force its way over to the south bank on one or two
11 occasions in my experience and scour out everything on the
12 south bank. That happened two or three years ago, but
13 since that time it has more or less deposited its silt in
14 mid-channel instead of scouring it out, as I said
15 previously. It is more or less constant right now, but
16 those are two instances in which the course of the channel
17 did change completely through the freshet.

18 Q. What about the current? Is it given to
19 major and sudden changes?

20 A. The current? Not to anybody who is
21 familiar with the conditions. We can pretty well foresee
22 what is going to happen next week, if that is what you
23 mean.

24 Q. Yes. Now, sir, coming to the organizational
25 structure of the district, have you ever sat on the Board
26 of Examiners?

27 A. No, sir. Only for my own; that was 30
28 years ago.

29 Q. Well, I wonder if practice has changed
30 since.



1 A. It possibly has.

2 Q. Do you feel that an apprenticeship, apart
3 from the probationary licence system which you have, might
4 be required in the district?

5 A. No, I do not.

6 Q. Do you think that the present system of
7 probationary pilots which has been outlined by Mr. Warren
8 yesterday morning is adequate for the training of the
9 Fraser River pilots?

10 A. I think it is adequate and a very good
11 system.

12 Q. Now, sir, you mentioned that you have had
13 experience on tugboats before becoming a pilot. What I
14 should like to know from you is whether you had any major
15 difficulties in handling large vessels docking and undocking
16 at first, when you first became a pilot?

17 A. When I first became a pilot?

18 Q. Yes.

19 A. At that time we never used tugs. The
20 class of vessel was a little smaller than the class of
21 vessel we are getting today.

22 Q. Wasn't there a great difference between
23 handling a tug and handling what, in those days, would be
24 a large cargo ship?

25 A. Oh, I didn't get your point of reference
26 there. Oh, yes, there is definitely a big difference
27 between handling a tug and handling a cargo ship.

28 Q. Did you find a lot of difficulties in
29 getting accustomed to handling large ships?

30 A. No, it didn't take too long. It doesn't



1 seem to me, looking back on it now, that it took too long.

2 Q. Without mentioning any names, among the
3 present pilots who have had experience in tugboats only,
4 do you feel that their handling of large ships is adequate?

5 A. I certainly do.

6 Q. So do I take it, then, that in your view,
7 whatever experience you had before becoming a pilot,
8 whether experience on a tugboat or experience on a deep
9 sea ship, it would make very little difference or no
10 difference, perhaps, at all in the handling of large ships?

11 A. Well, I only know what I can do myself,
12 and if I can do it successfully, I think anybody else can,
13 that came from a tugboat.

14 MR. JACQUES: Thank you, sir. That is all.

15 COMMISSIONER SMITH: If your lordship pleases,
16 there is just one little point I would like to raise with
17 this witness.

18 It has to do with the question of duties and
19 responsibilities of the pilot and the expert seaman who
20 navigates the seven seas and what I have before me is
21 something I took from some reading that I have been doing
22 recently, and this is what it says, and I would like to
23 know if you agree entirely with it. It says that the
2 24 trained pilot may only be trusted with the conduct of the
25 ship in restricted or confined waters, while the skilled
26 navigator can only cope with the other, that is navigation
27 on the high seas. Men are trained for both positions and
28 may have a general knowledge of the duties of both, but
29 neither is necessarily skilled in the duties of the other.
30 Do you agree with that?



1 THE WITNESS: Yes, I do agree with that,
2 Commissioner.

3

4 CROSS-EXAMINATION BY MR. LEGG:

5 Q. Just a few questions. Has it been your
6 experience that in the class of vessel you have piloted
7 up the Fraser River there has been an increasing number of
8 bridge-aft vessels in the last few years?

9 A. There has been an increasing number in
10 the last few years coming into the port of New Westminster.

11 Q. And accordingly an increasing number of
12 bridge-aft ships going up the Fraser River?

13 A. Yes.

14 Q. Were you here yesterday?

15 A. Yes.

16 Q. Do you agree with the opinion given yester-
17 day that if the Fraser River Bridge was widened a bridge-
18 aft vessel of, say, 500 feet could be taken with safety
19 up the Fraser River?

20 A. I agree with that.

21 Q. Has it been your general experience that
22 because of the narrow entrance of the Fraser River Bridge
23 you experience difficulties in getting through and have
24 to wait for proper tide conditions to navigate through the
25 bridge?

26 A. That is correct.

27 Q. Can you just say generally what period of
28 time we are talking about?

29 A. Well, previous to the construction of the
30 Pattullo Bridge in 1937, when it was opened, we had no



1 difficulty in taking ships to the Fraser Mills on an ebb
2 tide or full tide or a full flood, and we found when they
3 set the first pier in, the north pier, that it deflected
4 the tide and put it on to the New Westminster Bridge.
5 We tried it on several occasions and there were some very
6 near misses up there. So we made the recommendation to
7 our Commissioners that navigation through that bridge on
8 an ebb tide or any strong tide should be prohibited.

9 Q. I wonder if you would tell the Commission
10 more precisely what I had in mind in my question. What
11 period of time do you have to wait?

12 A. We wait for a slack or ebb tide.

13 Q. Do you have to wait for an hour or so?

14 A. On many occasions we have to wait for an
15 hour and longer, much longer.

16 Q. This is what I wanted to get at. Is this
17 also true of proceeding downstream through the bridge?
18 Do you have to wait whichever direction you are going
19 through the bridge?

20 A. Yes. We try to wait for the best of the
21 rise in the tide to take the sting out of the ebb flow,
22 or we come down when the tide is flooding.

23 Q. Would you agree that the period of waiting
24 would be lessened if the entrance to the bridge were
25 widened?

26 A. You mean the removal of the centre pier?

27 Q. Yes, or the centre span was removed and
28 the entrance increased.

29 A. Yes, I do.

30 Q. And limitations on going through because



1 of tide and current conditions would be removed?

2 A. There should be no limitations whatsoever,
3 only on account of draught.

4 Q. Do you have a copy of the Pilots' brief?

5 A. Yes, I have one at hand.

6 Q. I wonder if you could refer to paragraph
7 24, page 5 and let me know whether the views or the
8 opinions stated in that paragraph are in accordance with
9 your views; that is, is it an accurate description of the
10 flood conditions, and in particular are large ships
11 prevented from proceeding beyond New Westminster when the
12 gauge at Mission reads 20 feet above normal?

13 A. I thought you were going to read it. I
14 will have to read it over myself now. Yes, I heartily
15 concur in that.

16 Q. Now, with reference to the restrictions
17 on shipping during the freshet months, there is a sentence
18 in the middle of that paragraph which states: "When the
19 reading stands at 20 feet above normal, all large ships
20 cease to proceed above New Westminster on account of the
21 narrow opening and very strong (6-7 knots) cross currents
22 in the railway bridge." Do you see that sentence, Captain?

23 A. Yes, sir.

24 Q. If the entrance to the bridge were widened,
25 would that difficulty be removed or lessened?

26 A. Well, I would say so for some types of
27 ships. I don't know whether we would want to take larger
28 ships of the class we already take through if the river
29 rises over 20 feet at Mission, because once you get that
30 it gets very vicious.



1 Q. Has it been your experience that the
2 freshet or the gauge at Mission is only 20 feet above
3 normal for only a very limited period of time during the
4 freshet season?

5 A. Yes, that is correct.

6 Q. Can you recall how many times during the
7 last five years when the gauge has read in excess of 20
8 feet?

9 A. In the last five years, you say?

10 Q. Let's go back to 1948 when there was a
11 large flood.

12 A. I think since 1948 it has probably only
13 gone above 20 feet on three or four occasions. Now, I
14 don't know.

15

16 CROSS-EXAMINATION BY MR. HUNTER:

17 Q. Captain Gilley, these recommendations
18 which are Exhibit No. 160, which were put into a written
19 form in April of 1961 ---

20 A. I haven't got a copy of those. If I had
21 a copy I would appreciate it so that I can follow you.

22 Q. It is Exhibit 160. These have been
23 discussed or have been discussed amongst the pilots them-
24 selves before they were put into this written form?

25 A. Yes, they were.

26 Q. Was there a meeting or was it just a
27 discussion?

28 A. There was a general meeting.

29 Q. You will notice that in all of them they
30 say that the maximum draught shall be 21 feet, or whatever



1 it is, but large vessels with bridge-aft shall not be
2 taken through. These are more than recommendations, are
3 they not?

4 A. Well, I don't know whether you would
5 classify them as regulations or not. These recommenda-
6 tions were made primarily for our office down there and
7 for the pilots themselves, and we agreed and we thought
8 we might as well have them typed out and posted on the
9 board and given to the dispatchers for their guidance,
10 which is primarily what they are for, for the pilots and
11 the office staff.

12 Q. Were they mandatory on the pilots? If
13 any pilot was asked to take a bridge-aft ship through,
14 would he be bound by these?

15 A. Well, I don't know. Maybe the wording
16 isn't correct there. But now that you have pointed it out,
17 I don't suppose they were meant to be mandatory. But we
18 all went along with these recommendations and we just
19 assumed that everybody would adhere to them.

20 Q. Well, specifically, dealing with bridge-
21 aft ships, it says they shall not be taken through. Does
3 22 it mean that they shall not be taken through or was it
23 left to the discretion of the pilot?

24 A. No, it was never left to the discretion of
25 the pilot.

26 Q. In other words, you agreed as a group with
27 it?

28 A. Yes.

29 Q. So if a pilot thought he could take it
30 through, would he be bound by these regulations?



1 A. No, I don't think there is anything in
2 our bylaws which says that a pilot cannot do this. But
3 can you imagine the chaos where one or two decided to
4 rattle around with these ships. These are local rules
5 for our pilots to more or less abide by.

6 Q. If he takes a vessel through the railway
7 bridge, he is not going to rattle around, he is just
8 taking it through as another ship. You are not going to
9 get into any difficulty if he takes it through, are you?

10 A. The rest of us are not going to get into
11 any difficulty. He will probably experience difficulty
12 in getting the ship through, sure.

13 Q. Let me put this to you. If the next pilot
14 that is employed by the Pilotage Authority has had
15 experience in piloting bridge-aft ships and feels that he
16 could take a ship through the railway bridge, would he not
17 be allowed to take it through?

18 A. There is nothing in our bylaws which says
19 he cannot take it through, but I don't know what kind of
20 a welcome he would get from the Committee.

21 Q. In other words, you have decided that no
22 bridge-aft ships are going through, and if someone is
23 qualified you would frown on him taking one through?

24 A. Well, can you phrase that a little better?
25 I don't know whether I would frown on him or not. I would
26 say, "The rest of us seem to work pretty well here together.
27 If you want to go on your own, go ahead." I can't control
28 pilots. If he wanted to go, he could go.

29 Q. You would not be very happy, as a group?

30 A. No, I don't think we would be very happy



ag/dpw 1 at all, because these were made to govern the safety of
2 the ship, and for safe navigation, and if someone else
3 wants to come in and say, "Well, I can do it," he might
4 have a lot of success. We, as individual pilots, and as
5 a group, know that we can do that today, but we are not
6 protecting the shipowner, or protecting the master, or
7 anybody concerned with shipping, in attempting to do it.

8 Q. But you feel that you could do it?

9 A. I know that I could, even if my vision
10 was partly obscured by the type of ship.

11 Q. Well, if you feel that you could do it,
12 why was this regulation ever put into effect? I mean,
13 what was the background that caused this regulation to be
14 put into effect?

15 A. The background that caused it?

16 Q. Yes.

17 A. Well, I think one of the pilots in 1957 or
18 1958 had a narrow mishap. I don't know whether you would
19 call it a collision or not. He might have taken some
20 paint off the ship, the "Kavadoro" I am referring to, and
21 a discussion came up in the office following that, and at
22 that time, knowing what a bridge-aft ship was - I think I
23 had handled the same type two or three times down here,
24 and knowing that my vision was obscured, I think that I
25 would hesitate to do that, to bring a ship up through the
26 bridge, and bring it down again.

27 Q. Was this the only bridge-aft ship of over
28 375 feet that has transited the bridge?

29 A. To the best of my knowledge.

30 Q. So that you have only had one experience



1 with a bridge-aft ship going through the Railway Bridge?

2 A. When you refer to bridge-aft ship, do you
3 mean all hatches forward of the bridge?

4 Q. Yes.

5 A. We have had many types of ships go to
6 Fraser Mills, and they have been piloted successfully,
7 with five hatches forward of the bridge and a very small
8 hatch aft of the bridge, and we knew at that time what
9 kind of ship we were handling. It was not considered a
10 bridge-aft ship, because it still had one hatch aft of the
11 bridge. If we were called upon to do it tomorrow we would
12 do it, although there is still 350 to 400 feet of deck
13 ahead of the wheelhouse.

14 Q. And how much deck behind the wheelhouse?

15 A. I would say a hundred feet.

16 Q. And do you feel that a hundred feet makes
17 that much difference?

18 A. I do.

19 Q. With just this one experience have you
20 tried to think of any aids that might help? I don't mean
21 you, I am using "you" in the general sense, as the pilots.

22 A. Yes, sir. We have tried to think of every-
23 thing, and we have not, among seven of us, been able to
24 come up with any solution whatever. I know Captain
25 Clayton and Captain Kavanagh have been in our office on a
26 number of occasions. We have sat down and discussed this
27 thing, and they came up with some suggestions, but to the
28 best of my knowledge there is nothing that the pilots
29 could put forward that would assist them in the navigation
30 of that type of ship.



1 Q. I think you will agree that this is a
2 problem to the whole river, particularly to those docks
3 above the bridge that want these types of ships to get up
4 there. They are becoming more prevalent. I think we will
5 all agree that the bridge is not the most happy situation,
6 but we do have to live with it, and there were certain
7 suggestions made. What about running with lines ahead on
8 a tug?

9 A. Who would be in charge of the head of the
10 ship? Whose responsibility would it be, then? Would the
11 ship be under tow, or would the tug just be there for
12 assistance? In other words, if the pilot were in charge
13 and aboard the ship, he would have the responsibility of
14 looking after the ship as well as looking after the tug,
15 and I think that would be an utter impossibility.

16 Q. It is not possible to control it with
17 intercommunication, such as a walkie-talkie?

18 A. We thought of that, too, but I didn't see
19 in the short space of time that it takes a ship to clear
20 that span, it is only a matter of 40 to 45 seconds till
21 you are in and out of it again. You have travelled 1,500
22 feet in that time, and by the time he got in communication
23 with a walkie-talkie he would be through it. No, we
24 thought of that, but I cannot go along with that, knowing
25 full well that it just won't be able to work.

26 Q. Well, all right, then, what about - you
27 have read about the "Argyll", which is the extremely
28 large ship going through the Second Narrows. There is
29 quite a cross current there, and they used a walkie-talkie
30 to communicate from the front to the back. Is that not



1 feasible, to have a lookout on the front in communication?

2 A. Do you mean putting two pilots aboard the
3 ship?

4 Q. If necessary.

5 A. No. As Captain Spier mentioned yesterday,
6 two people can't drive the one car at the one time.

7 MR. LANGLOIS: My lord, my learned friend wishes
8 to put before the Commission how this vessel "Argyll" was
9 taken through the Second Narrows. I have here Captain
10 Gosse, who was the pilot who did it, and he is at your
11 disposal.

12 THE CHAIRMAN: If he does not do so, you will
13 have the privilege of doing it.

14 THE WITNESS: I didn't answer you, counsel, on
15 that question. I am not familiar with the "Argyll." I
16 just saw the picture in the paper, and I am not too fami-
17 liar with the Second Narrows Bridge, but I do know that in
18 a 24-hour period in the Second Narrows they have a dead
19 slack water. Something we don't have here during the
20 summer months.

21 Q. This is going back over what I have been
22 over. If you had someone trained in this, would this not
23 be an answer?

24 A. Well, unless he was an exceedingly tall
25 man, the one you are thinking of, I don't know how tall
26 he would have to be, I am sure. No, the problem there is
27 that your vision is definitely obscured by the trim of the
28 ship.

29 Q. If there were certain navigational aids,
30 lights, or signals, or something up ahead to assist you?



1 A. Well, we have considered that, too, and
2 we are just wondering where these navigational aids would
3 be placed, that would enable a pilot from the bridge in
4 the after part of the ship to see these navigational aids,
5 because we lose sight of the horizon on those ships at
6 least a mile over the stem. Sometimes you can cut it down
7 to three-quarters, but on some occasions you don't see the
8 horizon for a mile to a mile-and-a-half.

9 Q. On some conventional vessels would you
10 lose sight of the horizon at some distance ahead?

11 A. Yes, sir, we do. It is just that much
12 more pronounced on a bridge-aft ship.

13 Q. But when you lose sight of it, you line
14 yourselves up with something, I presume, do you not?

15 A. Well, we usually try to stay amidships,
16 because that is the proper point to navigate a ship from.
17 But on a good many occasions, when you cannot see over
18 the bow, you have to run from side to side to look over
19 the bow, to see how things are going.

20 Q. Would this not be feasible on a bridge-aft
21 ship?

22 A. No, I don't think so. You have too many
23 feet of deck ahead of you.

24 Q. Isn't the answer to try and qualify some-
25 body in this? When I say qualify, you give him some
26 experience in piloting bridge-aft ships.

27 A. I don't know how much experience it takes
28 to qualify a man to take a ship up through that opening
29 there with a bridge-aft ship. I think we have had
30 experience. All our group have had a lot of experience



1 with bridge-aft ships, bringing them up to New Westminster.
2 You are certainly not on the conventional pivot point of
3 the ship when you are located aft, are you?

4 Q. No, but say you had one pilot who
5 specialized in this, it might mean setting up a different
6 rotation, but he would get used to the pivot, would he
7 not?

8 A. I don't know. I cannot speak for somebody
9 else. I am only giving you my own viewpoint.

10 Q. Yes, I realize that. Well now, in your
11 brief, on page 5, you state that after the Mission gauge
12 reading is at 10 feet, there is no flood current off New
13 Westminster, and from that time on the ebb current is in
14 effect continuously. That is right, is it?

15 A. That is right.

16 Q. But you do take ships up and bring them
17 back until the reading stands at 20?

18 A. That is correct.

19 Q. So that also your regulations say that
20 vessels outbound shall proceed as near as practicable on
21 flood tide, or slack water. For a period during the
22 freshet you are taking them out on ebb tide?

23 A. Which one is that again?

24 Q. No. 3, under Westminster Railway Bridge?

25 A. Yes, that is correct.

26 Q. Do you have as much control of a ship in
27 going with the current as going against it?

28 A. No, you don't have the same control.

29 Q. So that coming out during freshet on the
30 ebb tide you have not as much control?



1 A. No, sir.

2 Q. You are taking a calculated ---

3 A. Risk.

4 Q. Risk, yes. Now, you say you haven't as
5 much control on a bridge-aft ship. Would it not be
6 possible to take a calculated risk there also?

7 A. Well, I think I have made myself clear
8 when I stated before that I know within myself that I
9 could do it, and probably get away with it nine times out
10 of ten, or ten times, but the tenth might be a real bad
11 one, and it is not in the interests of good navigation,
12 or safe navigation, whichever way you want to put it.

13 Q. On night navigation you feel that if there
14 is - the first item - you will not traverse the bridge,
15 you will only traverse the bridge in daylight only. If
16 the bridge were floodlit, and there were some navigational
17 aids, could you do it at night the same as you are on the
18 rest of the river?

19 A. Well, it has been my experience since
20 there have been so many industries set up on the river
21 here that they are pretty well floodlit at night, and we more
22 or less walk into a blind period about just a minute from
23 the time we pass these floodlights and glares, for a full
24 minute-and-a-half we can't see a thing. That would be a
25 similar situation if this bridge was floodlighted. We
26 would be blind for about a minute-and-a-half, or maybe
27 two minutes, before we got our visibility restored to
28 normal. So how far does a ship go in two minutes?

29 Q. This is after you get through the bridge?

30 A. After we get through.



1 Q. Doesn't this happen supposing you are
2 berthing at night, if it is well lit up, does that not
3 happen?

4 A. When you are berthing at night there is
5 very little or no headway on your ship. I don't say it
6 does not happen. Yes, you are blinded by the lights, and
7 many times the mate will switch on his cargo lights at
8 night, and you are blinded, and the first thing a pilot
9 will ask him is to please turn the lights off until we
10 get alongside.

11 Q. I suppose you have certain blind spots,
12 though, coming up the river? Pilots generally, when you
13 pass a floodlit area, a cannery or something?

14 A. We do; we have many of them.

15 Q. You do have a dark area there?

16 A. Yes, but the vessel is on course there,
17 and if we can't see, she is still on course, and when we
18 recover our vision in a minute-and-a-half, or two minutes
19 later, she is still on course.

20 Q. Do you have a lookout forward?

21 A. We always have a lookout forward.

22 Q. Is it not feasible, going through the
23 bridge at night, to have a lookout there?

24 A. He does not know which way you are supposed
25 to be going. He has never been here before, and he wouldn't
26 recognize any of the territory. You could brief him up
27 on the bridge, but this would not be feasible.

28 MR. JACQUES: But if he were a pilot?

29 THE WITNESS: If he were a pilot he would be
30 blinded at the same time as the other chap was. No, in



1 all fairness, we have tried to work this thing out. We
2 have thought of floodlights and navigational aids and
3 everything.

4 MR. JACQUES: As I see it, I don't think any-
5 body has tried anything. Have you tried two pilots? You
6 said no, it is impossible, but has it been tried?

7 THE WITNESS: No, it has not been tried.

8 MR. JACQUES: Have you tried using a tug ahead?

9 THE WITNESS: No, but I am quite qualified to
10 know what a tug ahead can do.

11 MR. JACQUES: Yes, but have you tried it?

12 THE WITNESS: Once again, who would be in
13 charge of the ship, the pilot on the ship, the master,
14 or the master of the tugboat?

15 MR. JACQUES: I would just like you to answer
16 this question. Has it been tried?

17 THE WITNESS: No, sir. I think of one occasion
18 with a dead ship, with very little manoeuvrability, that
19 the pilot had two tugs go up with him, and he is here
20 today, and I am sure if you want to know what his experience
21 was he will take the stand, but it has not been my
22 experience.

23 MR. HUNTER: Supposing these floodlights were
24 down on the pilings, lighting just down low on the water,
25 and reflecting down, would that help, rather than having
26 them up high?

27 THE WITNESS: It probably would help, but after
28 all, until you see the thing in practice you can't commit
29 yourself as to saying what you can do and what you can't
30 do. The pilots take conditions just as we find them. We



1 don't go out and make recommendations for anything.

3 2 Q. I am talking about putting conventional
3 ships through at night, not bridge-aft. Would that make
4 a difference?

5 A. I think it would be a hazardous practice.
6 It would not be safe, in that the bridge, 171 feet, as it
7 is today in the north draw ---

8 MR. LANGLOIS: Captain Gilley, have any owners
9 of ships asked you to make an experiment with their own
10 property under these conditions?

11 THE WITNESS: Not to my knowledge, sir.

12 MR. JACQUES: Would you be willing to make the
13 experiment if one of them were to ask you?

14 THE WITNESS: Well, that is a hard one to
15 answer, too. I know I could take that ship up there, as
16 I told you before, nine times out of ten, and get away
17 with it, but the tenth might be a real bad one.

18 MR. LANGLOIS: Would it not be, Captain Gilley,
19 that you would have to ask permission from both the owners
20 of the bridge and the owners of the ship?

21 THE WITNESS: I believe so, that is correct.

22 MR. JACQUES: And the other pilots.

23 MR. CLYNE: My lord, I don't want to be accused
24 by Mr. Langlois of anticipating ---

25 MR. LANGLOIS: It is filed now.

26 MR. CLYNE: And I would expect that Mr. Langlois
27 would be examining this witness on his brief.

28 THE CHAIRMAN: He will.

29 MR. CLYNE: So I would like to wait until he
30 is finished.



1 THE CHAIRMAN: We will adjourn until 9.30
2 tomorrow morning.

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5 --- At 5 o'clock p.m. the hearing was adjourned until
6 9.30 in the forenoon on the 27th day of March, 1963.
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